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NATIONAL EVOLUTION

BY J. ANTHONY STARKE

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BY

J. ANTHONY STARKE

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AUTHOR'S PREFACE

A preface is usually written to afford the reader a general conception of the author's objects and of the spirit of his impulse. This author's object is to help in the political upbuilding of the country; he belongs to the growing phalanx of Constitutional Reformers. The spirit of his impulse is the firm conviction that the political plan of THE REPUBLIC OF THE UNITED STATES OF AMERICA, in its broad founding upon human sympathy, personal liberty and equal justice to all, represents the highest endeavor in the art of government yet attempted. Not alone for our own happiness and glory as a people, but for the benefit of all mankind our form of free popular government and institutions "MUST AND SHALL BE PRESERVED."

It is plainly implied in the above preamble that full ACHIEVEMENT cannot, as yet, be written upon our flag. Every government is in its nature a development; nothing human springs to life in perfect form and with a guaranty of permanence. Republics have been and gone in ancient Greece and Rome and in modern Italy; they exhibited the highest type of democratic virtue, political and material success. They all met their pitfalls and went to destruction. Our own government is built upon an improved democratic plan and powerful initial impulse. Our solemn task is to develop this propitious beginning IN THE PRACTICE, to avoid the

rocks of danger to its life and to carry it to perfect and permanent success.

In this course we have reached a present result that is far from what the aim has been. We have drifted into errors, our political vision has become clouded. We are allowing ourselves to be fettered by the letter of the law from misunderstanding of its true spirit. Hence, our plan of government, so grand and perfect in its general conception, is proving inadequate to meet the changed conditions of modern life and the general advance in political and sociological thought. This book has been written to present these conditions and their remedies as they appear to the Author to the earnest consideration of the American People.

It is quite true that much diffidence exists in regard to changing the Fundamental Law of the land, but we have arrived at a crisis in our National life which requires radical action. The day has come for active **Public Agitation** of necessary Constitutional reform. The Author makes no claim to any great originality; he has merely gathered together in a systematic presentation the best information and thought on the subject. The plan of the work consits in:

A.—A short statement of present National conditions.

B.—A series of EDUCATIONAL ARTICLES on politico-economical subjects.

C.—The detailed development of the proposed Constitutional reforms.

D.—A summary of the reform program.

E.—A polemical article on the Presidential campaign of 1908. The book answers the question: "Shall the People rule?"

There are many who look with distrust at any proposition to reform the body politic; they envelop themselves in self-sufficient pride and refuse to see or hear. To them the reformer is either a pessimist or a professional agitator who needlessly alarms the people. But political and social evils are too self-evident with us to be ignored or disposed of in that way. The appeal is to the intelligent and patriotic citizens who clearly see these shortcomings and their dangers, and who earnestly desire to see our Republic perfected and preserved. May we succeed by united effort to hand down to posterity a Republic which shall be an enduring work of politic wisdom, a truly free, just and beneficent democratic government.

THE AUTHOR.

A.—PRESENT NATIONAL CONDITIONS

I.—INTERNAL CONDITIONS

SYNOPSIS:

(a) Present public agitation.

(b) Defects in Federal politics and administration; the protective tariff; growing distrust of popular suffrage.

(c) Faults in State and City government; the Franchise responsible.

(d) The Currency question.

(e) Defects in the administration of Justice.

(f) The Labor question, and Socialism.

(g) Further conclusions on popular suffrage and Republican government; effect of temperament.

(a) PRESENT PUBLIC AGITATION

That we are at the beginning of a **New National Era** is evidenced on all sides. New times have brought new problems and, also, new conceptions of our political fabric and life. Old ideals and standards are making place for new ones. The administrative practices of the government and the application of the Constitution are being "stretched" to meet these new conditions. With prosperity and National expansion many evils have crept in, all leading to a loosening of moral fibre, to a relaxation of confidence in the Republic, to a doubt as to whether we are entirely right. Thus we have, in the course of the last ten or twelve

years, reached a condition of much **political unrest**, of anxiety even for the National future. This is shown by the unceasing discussion of questions involving the Constitution and the practical working of the Government. Of quite particular moment is the high character of the debaters; they are Representatives and Senators, Judges of high Courts, men of large affairs, Governors of States, the **President** himself and, not least, the leaders of thought in education, ethics and religion.

The causes which have brought about this state of dissatisfaction are two-fold: INTERNAL CONDITIONS AND EXTERNAL CONTRASTS. The internal conditions are those sins and defects of our political life which are familiar to all and a standing reproach to us. They are the corruption in office; the incompetent electorate; the trickery and purchase which accompany elections; the ogre of bossism; the pernicious legislative lobby; crude work of legislation; dictatory legislation in State and Nation; a slow and contradictory administration of Justice; a flippant disregard, even defiance, of the authority of the Law; a loss of political idealism and virtue.

In the rapid march of events and under the influence of remarkable material prosperity the **specific incidents** which make up the above arraignment are liable to become obliterated, but **the harassing impressions** which they leave remain, neverthless. It is the frequent recurrence of these disquieting impressions that makes up the sum total of our political loss of confidence. The Author regrets he finds it necessary, for purposes of future arguments, to present at least a short **general picture** of our National transgressions.

(b) DEFECTS IN FEDERAL POLITICS AND ADMINISTRATION; THE PROTECTIVE TARIFF; GROWING DISTRUST OF POPULAR SUFFRAGE

Considering first our Federal politics and administration we find the ever-present disgraceful office-hunting, the spoils system of party-patronage, which at every change of administration upsets the public service. We have reached better conditions in this respect under the Civil Service System of appointment, but that system is yet far from complete. There is still left an amount of favoritism, corruption and incompetence in the public service that calls for energetic measures of reform.

Then, we have the extravagant appropriations of Congress drawn from an artificially stuffed treasury, the unfair and unearned proceeds of a protective tariff which, while in principle sound and beneficial, has **long needed amendment** to restore it to a morally and economically sound measure of taxation. This tariff is, in the opinion of the unbiased men of all parties, the very ROOT AND BRANCH OF OUR COMMERCIAL OBLIQUITY, of the fever of wealth-getting, of arrogant and oppressive Trusts, of unsound speculation in all directions and of doubtful financial methods. It has led the Nation into reckless extravagance, public and private, and such defiance of prudence and old-fashioned honesty in the conduct of business that were bound to culminate in a general loss of confidence in MEN, METHODS AND VALUES. It is these conditions that brought us to the financial panic of last October and the resulting business depression from which we are still suffering.

The above conditions slowly grew to maturity through the failure of the beneficent policies of public

retrenchment and sensible, moderate tariff-reform which were attempted by President **Grover Cleveland** in his two terms of administration. They failed through the gross radicalism and incredible political incompetence of the Democratic party of that day. What had been rightly conceived ended in panic and dismay, generously helped along by the opposing political party. That National calamity furnished the grounds for re-establishing the protective policy in its most stringent form, as enacted in the McKinley Tariff and later in the present Dingley Bill. The results are the evils which have been stated.

The protective tariff brought prosperity, true, but also gross materialism and corruption; our prosperity is bought at the price of National virtue and reputation. This view is beginning to be held very largey throughout the country. It is felt that much of our wealth, like gamblers' gains, has not been **properly and honestly** earned; that it is doing us more harm than good because of the demoralizing influence it is spreading over the land. As an indirect but not the less far-reaching effect the present administration. in its laudable purpose to stem the evils arising from the protective tariff, has been compelled to raise issues of Presidential prerogative, Constitutional practice and increased centralization of power which are contributing **their share** to the prevailing political unrest.

Parallel with the general situation outlined above has been the growth of a disheartening conviction, arising from the innumerable failures of the Electorate to do its full duty. that our most cherished institution, UNIVERSAL SUFFRAGE, the very "Tree of Liberty," often brings forth fruits little to be proud of. For, in noth-

ing is the gap **between theory and practice** in our government so forcibly illustrated as in the working of the Franchise. This subject is fundamental, deep and wide; it touches the native and the naturalized Vote, the Negro Question and Woman Suffrage. There is not a good citizen who has not thought about it with great concern and felt misgivings about its present form and application. Every election furnishes food for these reflections and creates wider disappointment with the working of the Ballot. In its character, as the **source of all power and ultimate seat of all responsibility**, the Franchise is felt to be the chief fountain of our political ills, and likewise, the source from which mostly the reformation of the republic must come.

(c) FAULTS IN STATE AND CITY GOVERNMENT; THE FRANCHISE RESPONSIBLE

In the individual State governments we find similar conditions of loose administration and limping public service, of degrading bossism, incompetence and graft. A recent illustration was furnished by the Pennsylvania State Capitol scandal in which a clique of State officers perpetrated a gigantic swindle upon The People of that State for their own personal enrichment, the whole a huge conspiracy of public theft. There are many similar instances of connivance and fraud in STATE PUBLIC WORKS, throughout the Union.

In regard to modern legislative practices in State and Nation, the action of "the lobby" and the growing dictatory power of the Executive, it is plain that we have departed far from a rational practice of representative and deliberative government. The rank and file of Senators and Representatives but confirm the decisions

of groups of Leaders, or of the clique of the Governor or President. That this "inactive acquiescence" in the will of others is mostly but a part of the bartering for favors of one kind or another, and at times an undisguised purchase for money is well known. Not the least element of alarm is the rapid ascendency of the **legislative power** of the Executives as agitators and dictators of "personal" policies, and in which they are backed by an active "following" that expects to be rewarded for their work by political favors. This tendency is in opposition to the strict intention of our Federal and State Constitutions; it is one example of that "stretching of prerogatives and functions" which characterizes our times and expresses the changed feeling we are acquiring in regard to the nature of our government.

In our cities we find a spectacle of confirmed political debauch, so that it may be said there is not a city of any importance in the United States that is honestly administered. Public improvements go on, very naturally; the cities like the State, grow and prosper; but over it all hovers the spirit of exploitation and incompetence. Boston, New York, Philadelphia. Baltimore, Pittsburgh, Chicago. St. Louis are all in the grasp of some political "machine," now Republican, now Democratic under the rule of a "Boss." Personal profit and party-power are their prime aims; the interests of the cities themselves are a side-issue. the convenient opportunity for their game of arrogance and loot. The administration of the Public Works Department, Street-Cleaning Department, Building Department, and Police Department of these cities gives testimony of these conditions.

Who does not know of Tammany Hall in New York City, from Boss Tweed to Boss Murphy? Its reputation is National! To mention only recent occurences, who has not heard of the Hall of Records and the City Prison scandals, or of the Manhattan Bridge conspiracy, or of the cases of connivance and malfeasance in the Borough Presidencies and of the scandalous deals in sites for schools, parks and armories? The "rulers" of our cities are mostly of a class of men who consider this kind of money-making the legitimate spoils of politics.

In Boston the people are in the clutches of a tyrannical Democratic ring of exploitation; in Philadelphia it is a Republican gas-ring; in Chicago corruption is settled and constitutional all along the line; in St. Louis it is a Franchise-ring that stole and perjured on a wholesale scale; in San Francisco, worst of all, a political clique that can best be compared to a vampire, drew princely incomes from the tolerance of vilest dens of vice, and even after the terrible catastrophe of earthquake and fire continued its merciless depredations upon the public resources, unmoved by the plight of their stricken city.

Why, we may very opportunely ask, should all this be? Is it a **delusion** when we flatter ourselves to be a government of decent, honest people, freely joined in self-administration on grounds of justice, honor, good fellowship and common sense? We are, unfortunately, inured to these conditions, their generality has made them common-place. And we are such a BUSY people! We have no time to ponder on these "incidents;" we quickly forget these wrongs done us; we must hurry along, **attend to business**—and make money! "Let

the politicians run the country meanwhile; these LITTLE MATTERS will surely right themselves bye-and-bye." Oh! ostrichian delusion which blindly hides its head—not in heaps of sand, but in mounds of gold.

(d) THE CURRENCY QUESTION

As an outcome of the recent panic the country is deeply concerned with the question of CURRENCY EVILS, The subject being of National importance and somewhat related to other topics of this book, something may be expected to be said about it. But currency reform is not a Constitutional, nor truly a political question, and does not directly concern the Author's point of view and objects. The crude plan and details of our National money and banking-system have been demonstrated for years; they have, at least had **something** to do with the panics of 1873, 1893-4, and this one of 1907 from which we are now emerging. This connection, however, is more a physical effect than anything else; it has but slight relation to the underlying economic, political and moral causes of these panics. The currency system is simply the MECHANICAL APPARATUS of our money-transactions; but as such it is undoubtedly defective and capable of causing much private and public suffering in times of disturbed values, loss of business confidence and general depression.

This fact has again been so plainly demonstrated in the recent panic that the whole country is now aroused on the subject, so that the NATIONAL CONGRESS may, at the next session, and as a result of the labors of the National Monetary Commission appointed to study the whole subject, be reasonably expected to enact a

wise and thorough-going measure of currency and banking reform. All those who would follow these currency discussions with real understanding of the elementary principles of money, are referred to the Author's politico-financial pamphlet "THE TRUE SITUATION," written for the Gold and Silver Campaign of 1896. In it the inter-relation of money and other values, the origin of the standards, the true relation between gold and silver, etc., are set forth in a concise and popular manner which at that time elicited very favorable endorsement.

(e) DEFECTS IN THE ADMINISTRATION OF JUSTICE

Concurrent with these evidences of political and economic disease there has arisen of late years a deep dissatisfaction with the ADMINISTRATION OF JUSTICE. The whole system, Federal, State and Municipal, criminal and civil is felt to be too cumbersome in detail, contradictory and dilatory in method and too expensive in time and money. That which should be as the **regulating and life-giving stream** of the Nation in all its activities, is more often the source of perplexity, aggravation and loss. Its operation is ruinously expensive, which puts its power, which should be equally accessible to all, beyond the reach of many. This is especially true of all civil litigations and bankruptcy receiverships, in which the people concerned are reduced to silent and impotent sufferers. With the enormous fees of receivers, referees, attorneys and lawyers, and the other incidental expenses, the assets, often but slightly impaired, are in too many cases eaten up to a nominal remnant. The unfortunate shareholders or litigants receive a pitiable mite of their

former capital or savings, after months, often years, of distressing waiting.

Two shameful cases of this kind of "liquidation" which occurred in New York City recently, that of the New York Building Loan Banking Company, and that of the Republic Savings and Loan Company, may serve as illustrations. The details have become known far and wide as outrageous examples of this kind of "legal winding-up of affairs." The matter of "costs" in such cases is well illustrated by the more recent trouble with the Knickerbocker Trust Company, of New York, in the reorganization of which each receiver was awarded by the Courts the cool sum of $100,000, for 3 months' work, the total "costs" of reorganization being nearly one million dollars. There are many such cases throughout the country.

Can we wonder if the innocent depositor or share-holder, **ground to pieces** between the upper and the nether mill-stone, sneers at the Republic and turns Socialist or Anarchist? The State Banking Department, on which he had relied for security betrayed him; the State Law Department which should have protected his interests to the utmost possible after the damage was done, wastes time and money in ruinous procedure, and, while lawyers are reaping a rich harvest, he is made penniless. To such an unfortunate man this country of supposed equal rights and equal protection by the Law, must appear still very much of **a theory** and very far from **a fact.** There is no good reason for such a state of affairs. In England, France and Germany, Justice moves more smoothly, quickly, positively, equitably. It can be

made to work so here by a process of simplification of laws and procedure.

The above quoted and similar occurences, i. e., the Life Insurance scandals of a few years ago, the bank-wrecking disclosed in the recent panic, the looting of the Third Avenue Railroad property in New York City, The Metropolitan Securities Company's nefarious financial scheme, the Wall Street Ferry Company jugglery, the gambling in railroad systems all over the country, etc., etc., all too numerous to mention specifically, arraign THE LAW because of its weakness to prevent and intercept, and its equal weakness to punish and cure.

The effect of this is deplorable, for, the Federal and State Judicial systems are known to be a fundamental part of the entire governmental structure, one of the three powers of the realm in State and Nation; it is, therefore, the governmental structure itself that is arraigned and drawn into doubt. This feeling about the insufficiency, impotency, contrariness, and worse, of the Law has led to disrespect of it on the part of The People, amounting to INDIFFERENCE on the part of the rich and influential. This is a most serious situation; there is no other agency equally powerful in breaking down a country; it is a black worm that eats up patriotism, freedom, energy, self-respect, all the assets of a Nation's greatness and independence.

(f) THE LABOR QUESTION, AND SOCIALISM

Another question of great moment in our disturbed National condition is that of Labor; not so much of "Labor and Capital" as of LABOR AND SOCIALISM. The economic relations of the workers to the employers

could be safely left to adjust themselves on the natural basis of **supply and demand**, as the legal rights of each side are well defined by the law, if they were not complicated by the introduction of advanced socialistic doctrines into these disputes, on the part of Labor. These represent and display a generally hostile sentiment towards "Capital" in the abstract, and towards employers and men of means in the concrete. Specifically, this hostility extends to the control of machinery and natural resources by **individual owners**, also to personal property and land-ownership of large extent. Further, socialism advocates Municipal, State and National ownership of public utilities, and a long program of political measures to equalize rights, property and opportunity. The point the Author wishes to make here is that a very large proportion of our native and alien working population have become imbued with these new theories and, unfortunately more with what is **bad and irrational** in them than by what is truly progressive, justified and humanitarian.

In the course of natural association of interests this movement is now becoming affiliated, almost identical, with the Labor question as such, with **Trades Unionism**, and is rapidly developing with it into **one united issue** and effort. The demand is for ever more pay, ever shorter hours, ever greater dictation to the employer, accompanied by strikes, boycots, intimidation and frequently violence. And while this Labor-battle is proceeding on apparently independent lines, the **political** aims of the combination are being advanced in City, State and Nation. The formidable character of this socio-political Labor movement is easily measured by its **overwhelming numbers** and its possession

of **the ballot**; so that unless checked, unless directed into the channels of the **reasonably desirable and practical**, the fate of the Republic itself, in its present form, is in jeopardy.

There will be occasion to examine this important subject more in detail at other points of this book. The forces to be set in motion against these threatening movements are chiefly a more sensible system of general education, a higher moral, politico-educational and age-standard for the Franchise, native and alien, greater restrictions to alien citizenship and to undesirable immigration generally. Most important of all they must include the thorough reform of all abuses and defects existing in the country, and the **gradual adoption** of those desirable socialistic proposals which would more fully realize a **truly Democratic ideal** and in their operation bring more uniform happiness than now exists.

(g) FURTHER CONCLUSIONS ON POPULAR SUFFRAGE AND REPUBLICAN GOVERNMENT; EFFECT OF TEMPERAMENT

Looking back over this mere outline of the INTERNAL CAUSES of our political unrest (which the reader is expected to fill out from his own knowledge of the facts), even the most optimistic must concede the gravity of the situation. What strikes us most forcibly is the remarkable position of THE VOTER in relation to these conditions. Under our theory of government he is endowed with power to shape its course **as he would have it**, to make and unmake laws; he also bears the ultimate responsibility for failure or success. This is in practice most specifically true of State and City politics. Why, then, does he vote thus for dishonesty

and incompetence? Is he unable to undertsand the issues; has he no means of ascertaining the character of the men seeking office; has he lost interest in his political rights and duties; does he feel his **impotence** of asserting himself against the swirling current of arrogance and corruption? We cannot escape the feeling that the whole plan of self-government, as now in practice with us, is drawn into doubt by our performances.

This subject of the Franchise is the MOST MOMENTOUS QUESTION that presses for solution by the American People; its importance is equally great in purely political matters, in Labor plans and socialistic problems. It is, therefore, the most important topic of this book; as, said before, both the source of, and the remedy for most of our National troubles.

It must not be forgotten by those who would cavil at the preceding recital and point to the countries of Europe as afflicted by similar or other woes and imperfections, that men historically trained and versed in political science, among whom are many Patriotic American scholars and statesmen, the idea is general that our Republic is still an **experiment** in government. Its working is daily being **tried**, and in that trial reveals the conditions described. The analogy with Europe is not entirely tenable. There are exhibitions and movements there revealing faults and unrest, but they proceed on the lines of a natural and continuous political evolution, and are accompanied all the while by **superior administrative practice.** In this latter respect we are sorely deficient, while our political foundation is still new and experimental. These sentiments can be plainly read in our patriotic Presidents'

Messages and in many of the public utterances referred to at the beginning of this article. The position of this Author is therefore supported by high authority and example.

Certainly **temperament** has something to do with the view different individuals take of public affairs. It is apt to lead to errors of judgment of the value of facts, tending to one side or the other of a nice and just appreciation. Especially does **optimism** err in this manner, by closing our eyes to truth through the operation of a buoyant and hopeful "**feeling**," opposed to cold and accurate reasoning. **Pessimism**, on the other hand, while exaggerating the unfavorable facts of life, remains nearer the absolute truth than optimism. This is attested by the testimony of the overwhelming majority of mankind that imperfection and unhappiness are more prevalent than the opposite conditions. In effect, the practice of a rigid self-criticism has, by moral philosophers of all ages, been adjudged a more valuable quality to the Individual or a People than that of self-satisfied laudation; the one makes for reform and progress, the other for stagnation and decay.

II.—EXTERNAL CONTRASTS

These, named as the second of the causes of our political unrest, are furnished by our improved acquaintance with EUROPE, by which our own circumstances have been set in the glare of a powerful searchlight. The contrasts presented have opened the eyes of thinking men to the real appreciation of conditions at home. Comparison of the political methods and re-

sults obtained abroad with our own proves in many cases unfavorable to us.

Our increased contact with Europe dates back about twenty-five years when an era of political good-feeling began with England. It was soon followed by extensive social intercourse, annual visits abroad by prominent American families and return visits of English people to this country, by patronage of foreign schools of art and learning, by international marriages, etc. This intercourse extended early to France and Germany and other parts of Europe. The new wealth and opulence of Americans, the desire for travel and its well-known cultural benefits, the general progress both here and abroad in everything pertaining to the enjoyment and refinement of life, improved European railway service and, lately, the automobile have all contributed to this movement.

Up to this period of political and social *rapprochement*, contact with Europe was practically confined to business men, scientists and artists. A strange feeling had existed in the United States that intercourse with Europe involved some sort of **debasement** of our social and political standards. We had made ourselves so isolated, and filled our minds with such an array of school-history prejudices, that we had attained to a state of ignorance of political and social Europe that is quite beyond the comprehension of the present generation. No particular reproach attaches to us for this; it was the logical result of our National beginning, subsequent history and, also, of our geographical isolation.

As time rolled by, however, the old asperity and prejudices against Europe in general, as the seat of

absolute monarchies, and England in particular as our old enemy, softened and were replaced by a more rational feeling. This change was assisted by increased commercial relations, progress in steam-navigation and, lastly, the telegraphic cable service. In this and similar ways nations once hostile reach, at last, a position of free and candid inquiry towards each other, usually to their mutual benefit.

We have since some time reached such a position of unprejudiced comparison with regard to England and Europe and, indeed, in a wider sense, with regard to the HISTORY OF CIVILIZATION. As a result we see the people of Europe, though they be mostly living under monarchies, to be neither slaves nor fools, nor political cowards. We see that they enjoy the benefits of orderly government, and a very fair measure of personal and political liberty, in some cases as great as our own.

We see that monarchies and empires, while justly repugnant to us in principle, have many COMPENSATING features; that the rulers are rarely ever the dreadful tyrants we had been led to believe them; that the conditions of life and business there are often more secure, settled and systematic, the public service generally superior to ours, honest, stable and dignified; we find that political and private probity are of a high order, the equal, if not the superior, of our own. Further, we see that the social fabric and the family life are as firm and pure as ours; that even the division of society into **classes** according to birth, merit, wealth and education has many ethical and practical points of advantage, even of absolute justice, over our INDISCRIMINATE SOCIAL MINGLING and the false out-

ward pretense of an equality which **really** does not exist, and from the effort at which we SUFFER MUCH, unable to speak out.

These instructive lessons have been valuables to us, have broadened our minds and shown us our own weaknesses. They should not, however, and cannot shake us in the conviction that our free Democratic government occupies, in its principle at least, a higher plane of justice, self-respect and humanitarian impulses than any form of monarchy or empire. The problem for the United States to solve is **how to bring together** the authority and honesty of monarchial administrations with our own more free, broad and just institutions. It is a peculiar phenomenon of history that in great political or social upheavals, when some new idea takes possession of the mind of a people, men are not content to **reform** only, to adopt a new principle and graft it upon **what is good** of the old system; no, they will, wherever possible, **pull up by the roots** and start anew at the bottom. In this violent process much that was valuable in the old order and the fruit of hard experiences is lost; much that was natural and necessary is discarded.

All governments, however, must needs be built upon those TRAITS OF HUMAN NATURE that are inborn and of the species and largely the same in all times and among all peoples. Thus the lessons of civilization have to be learned over and over again, the immutable human character reasserting itself in remarkable agreement throughout the ages. We, also, have lost or forgotten some of these lessons known by our pre-revolutionary fathers, lessons of conservatism, respect for Law and authority, appreciation of personal worth

and dignity rather than of riches, of the ethics and æsthetics of politics and life, that we must now re-learn, recover, to establish our govermental idea not on **reason** alone but also on the lessons of history and on the inexorable traits and requirements of human nature.

III.—THE MORAL ISSUE.—POLITICAL IDEALS

The foregoing recital leaves no doubt that we are in the midst of a distinct moral issue in our National life, partly the cause and partly the result of the conditions which have been described. Its many manifestations in the financial and business world have been stated and are well known. President Roosevelt's trenchant messages to the Congress have stirred the country from Maine to California. The discourses, on this topic, of our prominent teachers, ministers and observing public men have been no less incisive and convincing. This moral turpitude has spread over the land like the waves that extend, in ever-increasing circles, from a stone dropped into a quiet pool, until they strike the shore of resistance. This shore of resistance in our case is the re-awaking of truth and conscience, **the moral reaction.**

The offensive stone has been indicated by the Author in the Introductory Article. It is the United States Government with its corrupting protective tariff, a measure ethically dishonest, setting **the example** of arbitrariness, combination, stifling of free competition, of forceful control before the people.

Why should they not adopt it in their own smaller way, since it proves so successful in filling the National coffers with easily gotten wealth? With easy, unearned wealth come easy ways and relaxed conscience, love of luxury and display, extravagance, which in turn breed more of that on which they grew big themselves.

It has been so in all times. Wherever a people has enjoyed an era of quick and easy wealth the fruit has been the same. We need not go to Greece or Rome or Renaissance Spain and Italy for an illustration. Modern Germany has furnished one in the era of headlong activity, wild speculation, unsound finance, luxury and extravagance of life which followed in the wake of the five thousand millions of francs of French gold that poured into that country in a steady stream from 1870 to 1890. But Germany, guided by strong hands, has long since recovered from her fever of **illicit bonanza-wealth**; the good sense and innate honesty of the people has found itself again, and the country has settled down to sound progress on conservative lines. The writer believes that a similar reaction has **already begun** in the United States; that the last panic has taught us a wholesome lesson; that reform is even now in the air. Many lines of business have remained untainted; in the ordinary business of commerce and manufacturing, in the Department stores and Retail stores of the great cities, in the building industry, in the produce and agricultural fields probity has generally remained the principle of conduct.

It is in the manipulation of **large properties**, in trusts in restraint of free competition, in railroads and min-

ing, in finance and banking, in stock-gambling and produce-gambling that illegal and dishonest methods, abortive mergers, unhealthy speculation, trickery and deception of the public have taken place. This monster is still about us on all sides, though cringing, and must be combatted to a finish with unremitting determination. The name of the Republic is at stake. In this battle, however, legislative measures **alone**, measures of regulation, repression, enforcement of existing laws, etc., cannot reach the **real root** of the trouble. That can be summed up in one great word: **Dishonesty** in act and intention, and as such includes all phases of evil. But as this is an ethical question, reform **by law** must be accompanied by ethical, by **moral** reformation.

The most eloquent, fearless and persistent apostle of this moral regeneration is our great President Theodore Roosevelt. With the enthusiasm of youth and the strength of Samson he has thrown himself into this work leading the people back upon the path of plain, honest methods. As a statesman and sociologist of deep insight and wide information, and endowed with a great analytical and logical mind, he has clearly perceived the foundation of this evil to lie in **the debased ideals** of the people. His latest and most emphatic messages to the Congress have laid bare with **unmerciful frankness** the national sore. In the deep sincerity and strength of his convictions, and the uncompromising earnestness of his aim the President may, at times, seem too general and too vehement in his utterances; but this must be charged to his natural temperament, and is but a small detraction from his brilliant qualities and immeasurable services.

That what is known as the "Roosevelt Policies,"

i. e., the restoration of the discipline of order, honesty and authority to our civil and industrial activities; the punishment of those who have defied the law; the regulation and control of trusts, railroads and other common carriers; the insistance on just capitalization of these large corporations so as to protect the investing public, that these policies should be held responsible for the recent financial panic and so-called "loss of confidence" by the public, is, at best, a far-fetched charge that can only be substantiated partly and as an **indirect** effect.

The President is by no means the first or only man who has recognized these conditions and spoken about them; their presence has been known since a **long time** by the **general public.** One need but to have been a careful reader of the Daily Papers for the last ten years, and an observer of the doubtful and extravagant business-ventures which have sprung up everywhere, houses of cards built on sand and "confidence," instead of on solid capital, to have seen, in spite of apparent prosperity, the steady drift of affairs towards the abyss of **distrust** and panic. This structure of inflated values and false pretenses could not possibly hold up very long. To assume that the President could have **created** the loss of confidence by any words of his unsupported by facts or by an **already existing** public feeling, is a truly ingenious proposition. **He turned on the light**; even more, he put the match to the accumulated powder which, if left to augment would soon, by spontaneous combustion, have torn the republic to pieces by revolution.

As a practical statesman and not merely an exhorter, the President directs his efforts mainly to the

enactment of legislation to cure past abuses and to set up higher standards for our future work. This course is perfectly proper; suppression of evil and its punishment by the law, and the enactment of **new laws** to provide stronger safeguards for the future must always be the first steps in the protection of society and the devolopment of a moral reformation. In the numerous measures proposed by the President there is a strong tendency to use the **Federal** authority **exclusively** for obtaining the desired results, in other words for "centralization" of power at Washington, to the detraction of State Authority."

With this design the Author is not in full sympathy, as may be gathered from all that has been said, so far, on this subject. The question, while very important, is, however, secondary to the main issue of moral reform; its political position and relative value in government will be treated in a later chapter. The writer agrees that a certain amount of increased Federal control will be necessary to carry on these new regulative ideas, but believes that it will be possible to combine this with a proper recognition and assertion of **State Authority** as well, without clash and to the general advantage.

But the **deeper question** must not be neglected. Laws alone cannot make people honest; if that were the case the Congress would but need to pass a law that "Henceforth all people of these United States must be strictly honest in all their dealings," and all our troubles would cease. Would such a law accomplish anything? No; the issue in question **is a moral one**; it involves reflection and repentance; regeneration must be the result of a purified, more unselfish

spirit, of healthier feeling and better understanding. Appeal must first be had to the **heart**, to the sympathies; we must become convinced of the impropriety, the unfairness, the low selfish meanness and lack of common justice of dishonesty. Then, we must appeal to the **intelligence**, to the observation of its practical results. We must become convinced of its utter **foolishness**, its instability as a social and business system, its destructive power to the Individual and the State. The whole process of reform must be toward a **conviction** that we must return to the old-fashioned plain honesty in our own best interests, material and spiritual.

The two agencies capable of accomplishing such a moral reformation are doctrinary religion and pure ethics. Of these two Religion has, unfortunately, proven its **unsufficiency** in controlling the minds of men; we have religions and churches of every kind all around us, and yet these perversions have obtained the upper hand. Religion to-day is largely **negative** in its moral teaching because it relies for its influence on fear; the fear of God, a somewhat too abstract and intangible sentiment for the modern mind, and the fear of puishment after death by damnation and hell-tortures, a sentiment more concrete than the first, but fast fading away and becoming repulsive to our enlightened intelligence.

It is not possible to-day to resuscitate into an **active moral doctrine** and force of persuasion the hundred graduated hells of the Brahmans and the Transmigration of the Soul, nor even the purgatory and hell-fire of modern Christian beliefs. Such ideas of after-punishment have become too vague and speculative

to be the foundation of practical morality; they now appeal only to children in age and children in mind. In the words of President Schurman of Cornell University we need a "fresh baptism of political idealism" and "the reconstruction of a reasonable religious faith, on a basis which neither physical science nor historical criticism can assail." To a growing number the present religious systems are stagnant and unsatisfying, because unconvincing.

The force of **pure ethics**, on the other hand, is a potent and unbiased agent, because it appeals solely to the heart and the intelligence, free from any metaphysical fears to enthrall the brain. It is the **active factor** which has been the mainstay of the moral teaching of religion itself; religious honesty is only **ethical** honesty superimposed on metaphysical speculation. The practical results of both systems are the same, as proven by the facts of civilization. Through ethics we learn to feel and think rightly on all matters of conduct, not because we **fear something** but because we are **convinced**, through our free intelligence, of the plain justice and good common-sense of such conduct.

Selfishness and all foolish passions and ambitions melt away before **the sun** of pure reason, of the cool, comparative analysis of facts and circumstances; of the loving sympathy with our fellow-man whom we behold struggling along under the same burden, and harassed by the same troublesome mortal coil. Under such influences of a sympathetic and rational philosophy of life, our present selfish exhibitions cannot long survive. Let us make the resolution to become once more a fair-dealing, just and plainly honest people for the sake of the absolute **right** and moral beauty of such

conduct, for the sake of our great and ever greater republic!

The above observations on religion are in nowise intended to detract from its spiritual influence and higher objects, which it is still capable of filling with the multitude, but only to show its weakness in the enforcement of moral conduct, of which it erroneously claims to be the original and only source and custodian. It should and must share this claim with ethics, and increasingly so as civilization and the faculty of pure reason advance; for, its grounds have always remained the same, while those of religion are forever shifting. In practical application both systems need the assistance of the Law, the Police Courts and the Prisons to make their principles effective. With the majority of the people, sad to say, these are still the most powerful arguments for doing right. Pure religion, as the speculation about the supernatural, our origin, purpose and destiny after death, has its legitimate domain and inexhaustible interest; it will gain in that by surrendering its claims as the sole foundation of practical morality.

The removal of evil conditions and practices as the result of the "mending of our morals" will, however, not touch the serious defects of plan and method in our political institutions which have been described and will be further elaborated in the later chapters. Only the effective reformation of the ills of our poitical system together with the return of the people to sound honesty and simple dignity of life, will enable us to escape from present dangers and put us on the road to new and desirable progress.

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Many men, including President Roosevelt, believe that this country is on the eve of a tremendous jump forward in population, activities and political interests. Our destiny for ever greater numbers and ever wider fields is plain and inevitable. The "Union" is more and more becoming **one country**, a truly National State in all its internal and external concerns. The completion of the Panama Canal, but a few years hence, will be a powerful link in binding together our Atlantic and Pacific coast lines for commercial and political purposes. Railway construction on an unprecedented scale will follow the **founding** of that great business on a basis of honesty, security and permanence. Other important National interests such as the improvement of rivers and harbors, State canals, irrigation, forestry, mining, and steps for the conservation of the Natural Resources of the country will keep pace with the railroads.

In looking thus into the future, the **enormous territory** of our country is an important consideration. It has been said that the world has become **smaller** through the rapid means of communication of modern times; and, metaphorically speaking, this is true. Likewise, the United States is becoming smaller by the extension of railroad and steamboat systems, the telegraph and telephone. But it is still more true, metaphorically, that the increase of population and activities has, on the other hand, **enlarged** the territory of the Nation and of each State. There is everywhere more to have and to do, increase of opportunities, concentration of interests and associations; everywhere more people from year to year and more of everything else. This makes each County and State in a sense

larger, ties everyone down more closely to the needs and work of his own little corner, of his own locality and business, and away from the country at large, which grows, in comparison, to an **incomprehensible enormity** of size and interests.

All this put together should convince us that **now** is the psychological moment for founding the **New National Era** which is preparing to arrive, on a basis of solid morality and sound laws for the conduct of business and finance; and, also, on a new **political basis** for better government, purer citizenship, and a more perfect democratic and humanitarian ideal. We must not wait until we are **overwhelmed** by our own numbers and figurative size, till we have a population **too unwieldy** and **too preoccupied** to be led into new paths and awakened to a new ethical and political life. **Now is the moment**, while all the elements are still within dirigible bounds, to strike out for comprehensive National Reforms, and lay the solid foundation for a great future.

B.—INTRODUCTORY EDUCATIONAL ARTICLES

(a) THE MAKING OF THE REPUBLIC.—SELF-GOVERNMENT OF A PEOPLE

In order to be able to argue the Constitutional Propositions of the following Chapter convincingly, the Author will, first, in these articles sketch in large strokes the origin and elementary ideas of our government, show their relation to our modern conditions, and indicate wherein we have already departed from

the original conception. To this will be added an outline of the salient features and objects of **all government** in order to widen the political horizon of the ordinary reader. The careful study of these themes will disclose the solidarity of those universal human traits and needs which all forms of government must satisfy if they would endure. It is their violation which has brought so many failures, and made the history of the world the story of a perpetual struggle steeped in blood.

The historical development of the colonies from the crudest beginnings, and under heavy trials, into orderly and prosperous commonwealths as British Provinces, and their final political struggle with England for independence, is known by all. It is not the purpose of this book to dwell upon the details of these events, but to sketch rapidly the material and sentimental influences that brought about the final result: Our free and independent Republic. The story of the different scattered and disconnected colonies along the Atalntic seaboard, which finally shaped themselves into the thirteen original States, is much the same in its general features. Nearly all were settled from England, Scotland, Holland, French and German countries as the result of persecution of the various sects of Protestantism that had sprung up in the wake of the REFORMATION, and were opposed either by the original Catholic Church or by the English Episcopal Establishment. In the new country across the sea these distracted people sought new homes where they might follow their religious convictions in peace.

Conjointly with this movement arose the TRADING COMPANIES, founded under Royal Charters, whose object was the commercial exploitation of the new land of whose wealth of Raw Materials and attractive Natural Features information had gradually reached Europe. There were, also, the grants of American Lands made under Royal Charters to favored Nobles of the English Court as rewards for political and other services, and the owners of which set on foot move-

ments for colonizing these lands for their personal profit.

In addition to religious fugitives and purely "Industrial" emigrants there were a considerable number of political outcasts, adventurers and released convicts, even, included in this exodus from Europe. In nationality they represented English, Scotch, Dutch, French, German and Swedish blood, with Spanish and Negro admixtures in the Southern Colonies. Unquestionably, however, the English-Scotch element predominated in numbers, character and mentality, ably seconded by the Dutch. These two races were the SHAPING INFLUENCE of this new people; they represented a grade of men and women mostly of good families, of ability above **the average,** and of sterling moral worth.

But whoever the settlers were, or wherever they came from, they all sought in the new country FREEDOM from some form or other of oppression, and the right and opportunity to live their own lives in a way that had been denied them in their native lands. Thus, from the very beginning the common **thought of freedom and independence** was present as an elementary sentiment of their existence. To this came the inborn love of the ANGLO-SAXON AND SCOTCH RACES for personal liberty, and their natural self-reliance and independence of character. This noble trait could not help communicating itself to the settlers of other racial origin.

To this foundation for **Liberty** came the material and political conditions of the new land, and also worked towards the same end: **Independence.** The colonists had left countries which possessed orderly governments, courts and churches, industries and commerce, roads, bridges, ports, in short, all the agencies of a civilized existence. Out of these settled conditions they tumbled into the wilderness, a wilderness untouched, of gigantic proportions, with great lakes and rivers, immense forests, of a climate unusual to them, with nowhere a sign of civilization. The task before them was tremendous; everything necessary to their

existence and comfort had to be **created** and hewn out of their raw surroundings; they were not Indians and Negros but civilized men and women.

For many years none but the crudest, hardest poineer conditions prevailed, lacking in every element of bodily comfort. Hunger, disease and suffering of every kind were the steady companions of the colonists. Many thousands of the less hardy perished in the strnggle against the adversities. When they finally conquered, under the most heroic endurance and fortitude of mind, and at last saw the smiling face of order and success come out of the cruel chaos, how could they feel otherwise than that it was THEIR WORK that had done it, that they owed NOTHING to anyone else for it, that it was THEY ALONE that had CREATED THEIR NEW HOMES, THEIR OWN DEAR COUNTRY.

These budding sentiments were for a long time but a sub-conscious state of the mind, not yet ready for loud and confident expression. The colonists remained for a considerabble period under the spell of their European associations, of the inborn loyalty to king and Fatherland. But as time went on the power of this influence relaxed. While more people were coming from Europe all the time, and undergoing this same natural NATURALIZATION, there was already growing up a second and a third generation. These were NATIVES, who were born into this new world as their patrimony, who felt nothing of European allegiance, and who looked upon this country as their free and unqualified inheritance.

It needed now but some external **excitant** to bring all this growing sentiment to full consciousness, to fearless acknowledgment, to jubilant assertion. This excitant was furnished by the slowly maturing POLITICAL situation. Under the Charter Companies and still more under the direct CROWN CHARTERS with guaranty of "free government within themselves," the colonists had enjoyed a considerable measure of self-government. While the Governors, Judges and other officials were appointed by the Crown or other rulers, the peo-

ple had their own Assemblies elected by Manhood Suffrage, and they appointed many of the lesser officers, so that in all that concerned the routine of life they, practically, **governed themselves.** This condition was changed when the colonies, with few exceptions, became fuly organized ROYAL PROVINCES of England, through the Charter Companies relinquishing their titles to the Crown, and through the Crown itself rescinding its own direct and guaranteed Charters. The reasons for these occurrences need not here be considered.

These important events brought a new political era upon the American Colonies. Gradually the grip of England was tightened, the DEPENDENCE of the Colonies was accentuated, regular military establishments were introduced, officialdom and Royal ceremonial emphasized. The many minor measures introduced to restrict their former rights of self-government, the petty civic regulations enforced to make the people understand that they were now "being governed," the haughty demeanor of the military and civil officers, all caused intense provocation. It made the people not only sullen and resentful, but also self-conscious and determined; the crystalizing process of their self-assertion had begun. The colonies, always spreading, had become drawn together geographically and now drew together sentimentally; they began to feel their unity of position and interests, the **identity of their relationship** towards England.

The British did not fail to see this temper of the colonists; they knew, long before the acute question of "TAXATION without REPRESENTATION" had come to the front as a welcome difference upon which to hang a **much deeper** contention, that there was a strong current for Freedom and National Independence running through these people, that they plainly considered the country their own. On their part they were controlled not only by their pride and prestige as a leading nation of Europe, and as the exponents of the principle of the Absolute Monarchy, but also by a live covetous-

ness for the undisputed MATERIAL POSSESSION of the American Colonies.

The once despised "pack of heretics and adventurers" had developed into prosperous and creditable commonwealths; the inherent power of the Anglo-Saxon race had asserted itself and brought agriculture, industries, commerce and ship-building to a flourishing condition. Wealth and refinement of life, equal to that of the mother-country, were beginning to manifest themselves. "Here was a people of high quality and a country of boundless extent and resources that **must be saved** to the British Crown at all hazards." "Could England permit herself to be defied in her Royal rights and material advantage by these colonists, descended from her own sons and daughters; could England face a secession, or even a dishonorable compromise, while France and Spain were holding undisputed sway over large territories in this same America, they whom she met on every field?"

In this way matters progressed towards the momentous times immediately preceding the Revolution, in ever-increasing strain. One-hundred-and-fifty years, about, had elapsed since the settlements had begun. The native-born populaton had long outgrown the foreign-born, in spite of the steady stream of immigration. To the majority, therefore, England had not only become an oppressor and usurper, but also a FOREIGN NATION with whom they had no further concern of natal sympathy or political obligation. They felt that England had done but little for the pioneer fathers combatting the wild country, while now SHE wished to reap where THEY had sown.

Hence, when the Stamp Act of 1765 was passed the fruit had ripened and the path of the Colonies was clear. From Maine to Georgia a new political destiny was shaping itself for action; and soon the struggle broke loose. The details are history and do not concern us here further. While there were many Loyalists and some Indifferents, the practical unanimity of the thirteen colonies is proven by their action in the local

Assemblies and in the Continental Congress at Philadelphia; and the depth of feeling and convictions which animated them were attested, and are forever immortalized, by a courage, tenacity, patience, self-sacrifice and physical endurance, in this unequal struggle, which stand unsurpassed in the annals of history.

Parallel with the foregoing political and material conditions there ran administrative, social and economic factors that made a combination not only irresistible for independence, but well-nigh perfect for **self-government by the people.** A remarkable social, intellectual and educational equality existed among the people of the colonies. The leveling influences of the life of struggle in the new land had put all on a basis of practically equal necessities and aims; they all were settlers, i. e., farmers, and, along with that, mechanics, tradesmen, merchants, professional men. The pursuit of agriculture which was followed, necessarily, by all, joined them all together in a bond of social equality.

Differences of wealth arose but slowly to erect social barriers. In education the majority occupied the same level afforded by the **common schools of the country.** A higher education did not make its appearance in any force until well on towards the years of the Revolution; and those so favored were fired by a united enthusiasm for LIBERTY, EQUALITY, FRATERNITY and the RIGHTS and DIGNITY of MAN, the new gospel of human emancipation expounded in the writings of VOLTAIRE, MONTESQUIEU, JEAN JAQUES ROUSSEAU, THOMAS PAYNE.

Territorially the colonies consisted of widely scattered settlements of limited population, where everybody, practically, **was equal**, where everyone **knew everyone else** intimately. This condition is the very foundation-stone of free government in which the citizens are called upon to choose, out of their own midst, their law-makers and officers. This privilege,

as we have seen they had enjoyed to a large degree and for a long time in their local affairs, so that there was not much new **in principle** for them to learn. They had brought this practice over with them from Old England, as the most precious part of their parish and county system. The English Parish has justly been called the "True cradle of Liberty." The pioneer life had made them a bright, active people of prudence and self-reliance. Under the sum total of these conditions the right of every honorable grown-up man **to vote** and share in his country's government, was indeed "a self-evident truth"; such a body of men were **able to give,** and could **be trusted to give,** what is required of the citizenship of a Republic.

Therefore, while the revolution against England was primarily and most ostensibly a war for INDEPENDENCE from that country, for a separate political existence, it was also and even more a war for free "self-government," as a *sine qua non.* Liberty and Independence were synonymous terms in those days in more than one sense, for, the **strongest sentiment of all** was that for the independence of the colonies among themselves. Had the sacrifice of that principle at any time been made a condition of the fight against England, the war would have dropped to the ground. No; the thirteen colonies joined in a provisional and limited federation as **independent units to** fight a common enemy, in their aim for a common ideal; and they were to remain individually independent after the victory were won. As to the form of permanent FEDERAL UNION that was to be established among them, THAT was to come later. Thus, self-government based on Liberty BEYOND A QUESTION; independence of the separate States POSITIVELY; a Union of States, if that should prove DESIRABLE AND PRACTICABLE, such was the ORDER of EVOLUTION of the United States of America. In that process, as firmly embodied in the CONSTITUTION has lain the strength of the Republic ever since.

It is in the small, independent, self-governed local community of fairly equal, wide-awake and liberty-

loving people, in the CHURCH PARISH, small Town and County, that we find at once the nucleus and the rejuvenating spring of self-government. This foundation may be enlarged by agglomeration of such units to Republics or STATES of reasonable proportions, determined by historical and geographical conditions. But the extent must be limited, territorially and in regard to numbers of people, to such absolute dimensions that the principle of **personal ken** between the citizens, and of **ready inter-communication** in all directions shall be the keynote of the public life. For us it has been the real salvation of the republic that the above conditions practically existed at the time of its formation out of fthe separate colonies.

A union of **separate States or Republics** of the above limits can safely comprise a great territory and large number of such parts, as our country does to-day, and exist successfully and be durable PROVIDED the federation be CONFINED TO THOSE features strictly necessary to insure UNION OF ACTION AND SERVICE in matters in which such is desirable. This necessary feature of strength was incorporated with remarkable sagacity in our Constitution, not, however, without a great contention, as to scope and detail, between opposite wings in the Constitutional Congress. It continued for years after the Constitution had been adopted, so great was the jealousy felt by many towards **too strong** a central government.

As finally embodied, the Federal Activities were to embrace the duties of Foreign Affairs, National Defence, Federal Courts and Federal Taxation, the creation of a system of uniform Money, Weights and Measures, National and Interstate Commerce Regulation, Jurisdiction over Rivers and Harbors, Administration of the Public Lands and of the Post Office. This seems a measure of Central Authority ample for the purposes that were intended to be accomplished by it; it left to the several States full power of self-government within their own domains. The National Government was NOT TO GOVERN the country at large

in detail, only to REPRESENT and DIRECT the united interests of the several States. The Union was to be one of strong independent parts, not a union of subjection. The reasonableness, justice and absolute wisdom of this division of authority and action has been proven by time.

How far we may proceed with safety on the path of Centralization to meet altered modern conditions will be more closely examined in later chapters. This much, however, may be said right now that, **in principle,** greater centralization must and will be destructive to the republic, because it is antagonistic to both the personal and the territorial basis of democratic self-government, as these have been developed in these arguments. The unusually great extent of our country, and the number and economic diversity of its component parts will in this attempt prove an especial source of weakness. To make our position safer and stronger we should, rather, **sub-divide** into more and smaller independent parts, than concentrate into a **central** government for the whole country.

(b) LIBERTY, EQUALITY, MANHOOD SUFFRAGE, CITIZENSHIP

All these ideas of the form and scope which THE FEDERAL REPUBLIC was to assume were thought out and fought out while the struggle with England was proceeding. **The National Constitution** stands as the final result of these labors; but the ethical thought underlying all the aspirations of the times, the MORAL PROGRAM of the Revolution, was expressed at the very outset of the contest in the immortal DECLARATION OF INDEPENDENCE. It was great to contend for independence from England, to maintain independence for the separate States while planning for a suitable form of federation, it was greatest of all to base all this upon the just principle of self-government; but all these were only the practical application of something **still**

greater in its essence and ultimate consequences for all mankind. It was the assertion of and contention for EMANCIPATION from the old-time thraldom and imbecile submission of THE INDIVIDUAL, the grand and bold proclamation of the NATURAL AND INALIENABLE RIGHTS OF MAN.

Said Patrick Henry: "Give me Liberty or give me Death," in a burst of exultant, defiant thirst for freedom. Freedom from what? The yoke of England, certainly, but more, freedom of the person, of the individual to think and feel for himself, to be the builder of his own destiny, free from arbitrary control and dictation. There were many other such fiery declarations of an exalted enthusiasm for Liberty. The sentiment had become personified into a **spiritual ideal**, a goddess of inspiration to the hearts of men, a sublimation of all that is noble in thought and feeling.

But what is this noble dame LIBERTY when taken down from her high pedestal and put to work at the problems of **practical achievement?** What is her proper scope, and what are her limitations? The answer is: Like every other quality, Freedom is defined by its contrasts, which are oppression, arbitrary rule, subjection of personal liberty of thought and action to the will of another. The limitations must needs be set by the GOLDEN RULE OF LIFE: "Do not to others what thou wouldst not have them do against you." Therefore the liberty of ONE is confined by the liberty of the OTHER, i. e., his rights, which are everyone's rights. Thus Liberty **includes** equality, equality in rights and duties as a man, before the Law, as a citizen under self-government. But equal duties involve equal capacities, mental, physical, material; and, where the power to perform equal duties equally does not exist, can there be true **equality?** No; and where there is not true equality can there be equal liberty? No; plainly not; we know it as a fact that they do not together exist on earth; the one excludes the other.

All human conditions are a PROPORTION between opportunity and capacity; the first might be made

fairly equal but the latter never. Nature herself is against it and proclaims it so in all her works; hence, full equality of man is impossible. Yet, there have been spun on its assumption, or, at least, on the theory of its feasible attainment and elementary truth great systems of social and political reform, extreme doctrines of material socialism, which have unsettled many minds by nourishing this impossible hope.

How, then, about the "Declaration of Independence" when that Instrument says: "We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness." These stirring words are often taken as an unqualified assertion of the ABSOLUTE EQUALITY of Man, from every point of view; **but clearly they are not.** The words "are created equal" evidently refer only to the equality of HUMAN NATURE, of the Species, of physical wants and general mental and moral equipment. If **more** had been intended it would of necessity have been expressed; they could not possibly have been limited to that plain, short statement, had they referred to **political** and **social** equality

As to the "inalienable rights" they are qualified as "certain" such rights, meaning such as are generally understood and conceded between man and man; their number and scope are not fully stated, only the most important being described specifically, as, "life, liberty, and the pursuit of happiness."

The FATHERS, in spite of their enthusiastic fervor, undoubtedly felt the **great responsibility** attaching to their utterances in this all-important document, and wisely remained on the *terra firma* of common sense and practical possibility. We see, therefore with satisfaction, that the words of the "Declaration" are in no wise in contradiction with the limitatons of Liberty and Equality as they were defined in the preceding argument. From that reasoning, supported by our daily experience with our fellow man, we may

proclaim it as a definite truth, resting on unimpeachable ground, that IN SOME respects we are all equal, while IN OTHERS we are not. We all must be accorded, beyond a doubt, those certain inalienable rights of self-respecting manhood, i. e., personal independence, equality before the Law, equal protection of life and property, and freedom in the pursuit of happiness in satisfaction of the demands of our human nature. In other respects we cannot claim equal rights because we do not possess equal capacities and, therefore, cannot perform equal duties and assume equal responsibilities. These truths have a direct bearing on the suffrage, both for the times at the beginning of the Republic as for the present day.

When the founders of the Republic confirmed the right of every grown-up man to vote, under the new State Constitutions, the conditions were so favorable to the requirements of this right that they were FULLY JUSTIFIED in their action. These favorable conditions were that state of material, educational and sentimental equality which existed at the inception period of the republic, in addition to the established habit of local self-government by vote. At that time an attempt at any unreasonable restrictions in this respect would have been resented as a violation of the social and political facts, as an insult to the spirit floating in the air. How differently we stand to-day in this respect; how largely we have lost this fundamental condition of a true republic!

Let us now determine the application of this practical degree of Liberty and Equality to the duties of self-government, of citizenship. The Personal RIGHTS side we can neglect, as being well understood and conceded in our country. The Political Side resolves itself into the question: What are the qualities of citizenship required to entitle one to its possession? The Author believes the decision should be based on

two qualities only: CHARACTER and UNDERSTANDING; race, nationality, creed, property, color and sex should alike have no voice in it. To disbar ON ANY of these grounds would be in violation of the above **conceded** Personal rights of all sane men and women; it would be in pursuance of impulses inspired by ignorance, hatreds and prejudices that must have no place in the adjustment of this great question. The principle enunciated would establish **genuine political equality**; the real, the true kind, so far only partly realized.

But who is to be the all-powerful and infallible arbiter of the correctness of this assertion about Character and Understanding? A king, the greatest on earth: HUMAN REASON, aided by his able counselors: Common Sense, Truth, Justice, the sense of equity derived from the experiences of life. These agents enable us to decide INFALLIBILITY that Character and Understanding alone can be the tests of citizenship in a self-government by the people, based on the principles of Liberty. All **personal** rights being granted as *per se*, ABILITY of Performance only remains to be determined. This involves moral qualifications, i. e., Character, and the necessary knowledge of the subject, i. e., Understanding. In CHARACTER we have the right to claim such moral equipment on the part of the voter and such a record of law-abiding conduct as would, by the common standards in these matters, entitle him to be entrusted with the privilege of citizenship, and guarantee its exercise in honesty and self-respect. In UNDERSTANDING we have the right to claim such an age of the voter as to insure not only the full possession of his independent reasoning faculties, but also a fair measure of practical experience in the prob-

lems of life, and that amount of SERIOUSNESS which is necessary to sober judgment.

This age lies, by common knowledge, beyond that of mere physical maturity, and should for men not be under **twenty-four years,** and for women not under **thirty years**, the latter for reasons which will be discussed in the chapter on Suffrage. In addition to these requirements of mature and sober judgment, Understanding is made up of a good general knowledge of our political system, State and National, the history of the country, the details of elections, and of the government of the city in which the voter may reside. Also, and not least, it must include a fair knowledge of the arguments advanced by the opposite parties on the leading public questions.

This statement of what should be required of the citizen in personal and political equipment must appear to all as most reasonable. To demand less seems irrational, for how could he with less of Character and Understanding vote conscientiously and intelligently? That this standard calls for at least a Grammar-School education is evident; no **lower educational test** should be required of the native-born citizen, and a practical equivalent of the foreign-born.

This list of requirements will to many seem beyond the time and capacity of the average voter, but this is not the case. The material outlined looks more formidable than it is. It could be made the subject of instruction in special free day and evening schools, as part of the public school system, and it is susceptible of much simplification by means of charts and models.

How would such a test for citizenship be applied in

practice? Naturally some special arrangements would be required for its gradual introduction, but when fully organized the system would occasion no trouble. Oral examination would be an exception, probably confined to aliens; in the majority of cases the above civic school certificate, accompanied by an age and character certificate from the employer or other competent person, would supply the necessary qualification.

Once established, these tests would exclude none but the **wholly undesirable**, those unworthy by every reason and right to be citizens in a self-governed Republic. Nor would their number be so large as to create an unsafe disproportion between voters and non-voters, since the admission of a million or two of qualified women-voters would add to the electorate not only numbers but an element of the highest value. Moreover, the removal of all political disabilities of race, nationality, creed, property, color and sex would, **at one stroke**, efface a number of tormenting problems from our political tablet.

Thus would we pay full tribute to both JUSTICE and REASON; express at once our conviction of the inalienable right of man to personal liberty and self-government, by according it TO ALL IN PRINCIPLE, as also the correct appreciation of our political inheritance and wise conception of the future by elevating the standard of the voter to a point that would enable him to properly exercise the duties of his great political privilege

The application of these propositions to the present situation in the country will follow in the later chapter on the Franchise.

Considered from the point of view of abstract philosophy, Liberty, in the largest sense, is really a matter

of everyday-want of certain agreeable and rational features of PERSONAL liberty, many of which are compatible with and exist in monarchical forms of government. Nor does that extreme exaltation of which we have spoken seem in due proportion to the **actual realization** with which we content ourselves, nor to the excrescences and abuses which we seem satisfied to countenance. The actual liberty WHICH WE HAVE exhibits itself, too often, in the shape of LICENSE of every kind; of a spirit of flippancy and easy tolerance of political abuses, of a low standard in methods, dishonesty in office, favoritism, etc., etc. In all that human kind attempts performance seems to fall short of promise, enthusiasm and courage to outrun prudence and experience; so that to be just in our estimate of ourselves and others, all effort and achievement should be gauged by the possibilities of the situation and the point of view of the actors.

We must learn to consider all political, social and other questions from the **objective** point of view also, and not merely from the **subjective** one of our own history, aims and ideals. Happiness, which is the goal of all this striving in the world, is essentially **relative;** it depends upon THE IDEA, at least in all spiritual matters, which are so large a part of its mysterious entity. Material happiness, however, is not a theory; we know when we are content and happy in that sense, or have attained to it as closely as we can hope. But spiritual happiness, mental restfulness and moral contentment depend largely on the satisfying of theories of life in general and of social and political ideas in particular, which we have set up as OUR STANDARDS and aim.

Thus, for example, can a German or an Englishman who fully believes that a Constitutional Monarchy of the modern type is a satisfying form of government, well adapted to many leading traits of human nature and capable of producing a dignified, prosperous and well-balanced national existence, be perfectly happy in that state, while we believe that nothing but our **own form** of government can afford to us that same state

of spiritual satisfaction. Political contentment is, therefore, much like religious contentment; they both depend on the realization of a PROGRAM OF IDEAS and Conceptions which an Individual or a People have made their own. It is by the contentions and arguments raised by these contrasts, now by words of persuasion and now by guns of compulsion, that the general onward-march of mankind towards a higher level of civilization is achieved.

These reflections should make us not only more appreciative and tolerant towards other forms of government, but also more conscious and proud of the fact that our Republican Institutions stand before the world **more** for the exemplification of the great principle of PERSONAL RIGHT AND DIGNITY than for any special practical benefits over Constitutional Monarchies like those of England or Germany. We must admit that many of the **material advantages** which exist here, and the greater opportunities which our country offers to the Individual, do not emanate so much from our political institutions as from our favored economic situation, the richness and vastness of the country, its great seaboard and fine rivers, its healthful climate and stimulating air and, above all, the sparseness of the population in proportion to the area, which leaves elbow-room for all and for many more to come. That to these our natural advantages, **additional effect** is given by our free and democratic state, by absence of arbitrary rule and dictation, oppressive taxes and onerous supervision, such as a paternal monarchial government might deem necessary to impose is fully understood and acknowledged in Europe.

As each people's Future roots in its Present, and its Present in its Past, its achievements must be judged, not by political and social theories alone, but by all the general facts of its position and history. So regarded, that which from certain absolute points of view may seem little and imperfect, may, **relatively** considered, appear as a noteworthy attainment in National endeavor.

(c) THE CONSTITUTION.—THE LAW

A written Constitution for the establishment and conduct of a government is necessarily an instrument of a two-fold purpose. It must define the general principles and character of the intended government, the source of power and manner of exercising the same, and must also create and define all the multifarious ways and means of general administration. The framers of the Constitution had at their hands the charters and statutes of colonial self-government, the Articles of Confederation and the various charters and enactments which make up the English Constitution, to guide them in their work. But the requirements of the proposed Federal administration, as they had manifested themselves under the Confederation, obliged them to design, practically, a new and original plan of democratic government, unlike any that had ever existed before.

There were available to them for study the Constitutions of the Greek and Roman republics, of the Italian and German City republics and of Switzerland. These, no doubt, afforded many ideas in reference to the division of powers and their relation to each other, the character of the Judcial machinery necessary, and other points of detail.

All the same it required political inventive genius and practical statesmanlike qualities of the highest order to weld all this material into a fabric capable of solving entirely new conditions. Fortunately for the young country these abilities were possessed in ample measure by a brilliant galaxy of her own sons, who produced a work of elasticity, intrinsic wisdom and enduring strength. The tortuous course of this work in the Constitutional Convention and the many misgivings by which it was accompanied are facts well-known. The making of the Constitution was in many points a **compromise** of the conflicting interests and jealousies of the several States, but this very circumstance has proven no mean element of its strength.

It is not the purpose of this article to go into the details of the Constitution to any extent, as we are more particularly concerned with the **general ideas** involved, in reference to the later recommendations of reform. The power is stated very clearly at the outset as emanating from THE PEOPLE OF THE UNITED STATES; it is divided into a Legislative, Judicial and Executive branch represented, respectively, by The Congess, The Supreme Court and The Presidency. The People and The United States, dating as they do from the period of the Confederacy, are acknowledged as **pre-existing**, likewise that first tentative, mainly defensive and sentimental Union of States, actual in many ways but not fully formed and declared, which had fought for Independence. The main purpose of the Constitution is declared at the outset of the document to be "to form a more perfect union," etc., it was more a plan for **definite** federation and for a system of complete federal administration than for the official creation of self-government. That, in fact, was in full existence at the time in the several States.

Two facts will elucidate this point more fully, and also throw additional light on the subsatnce of the two preceding articles of this book. In the first place the Constitution in its original form, does not anywhere, in so many words, establish and declare the right and duty of the Franchise; it says, in its later amendments, who are citizens **and shall** have the vote, and who of them shall not be deprived thereof, but does nowhere distinctly state and **create** that right as a National feature of self-government. In the second place, while the Constitution, together with all future federal laws and treaties to be enacted, are distinctly stated to be thenceforth the **Supreme Law** of the Land, it does not anywhere mention the **then existing** civil and criminal law.

It speaks several times of the Law and the Common Law, meaning, of course, the whole of the laws in use in the States, but does not anywhere distinctly and in so many words declare **what that Law is**, recognize or

authorize it, or say in what documents, book or written code it is set forth. The reason for these omissions is plain and has already been indicated: The States, as independent Commonwealths, had preceded the plan for Federal Union by a number of years. Naturally, from the first outbreak of hostilities in 1775, or very soon thereafter, the authority of England was disregarded in the several colonies, and independent, **new State Governments** were instituted to take its place. These all framed their separate Constitutions, chiefly based on the Colonial charters and laws.

Thus this transition from colonies to States was more one **in name and in persons** (officials) than in essential form and fact. The general institution, civil rights and details of English Colonial Government were incorporated and continued with few changes in the Constitutions of the new States. They included the practice of the Franchise, and this needed only to be confirmed and extended from Colonial to State affairs, thereby creating full **State-citizenship**, to become the established foundation of National self-government by its agglomerative effect. This was done by the new Constitutions in the different States and, hence, the **Federal Constitution** had no need to declare itself on what was already an accomplished fact, moreover one over which it had no authority whatever.

For, while the Constitution created a National State, the civil and political rights of the people were already in existence in the separate States. And, in effect, the Constitution does not provide for any really NATIONAL VOTE; the only truly NATIONAL OFFICIALS to be elected by the people are the President and Vice President, and these are voted for not personally and nationally but through individual "Electors" in each State, in other words by a combination of **State elections**. The representatives in Congress, while in a sense National Officials are in their elective character State Delegates, chosen in State elections; similarly the U. S. Senators, elected by the State Legislatures.

In the case of the Law the ENGLISH COMMON LAW, Penal Code and the Colonial legislative enactments were confirmed and continued in the new States as the basic codes for the exercise of Civil and Criminal Justice; much as the Old Britons themselves continued the twelve tables of the Roman Law as their fundamental Code after the Romans had withdrawn. The new State Constitutions had also enacted a complete mechanism of administration for the old and the new laws required. Thus, this matter of the Law, also, was a settled and established practice when the Federal Constitution was drafted; hence, it is silent on the subject, except by reference, and confines itself to the erection of a Law Structure exclusively for the purposes of the Federal Union. The Constitution is, therefore, remarkable as much for what it **says not** as for what it **does say**, and is in that way **itself** the best witness of its historical position and real nature.

This procedure of taking-over the English Law under a change of political power and institutions, opens up an interesting historical perspective. The Law, as the very fountain-head of civilized life, whose authority must be undisputed to be effective, must **itself** have authority, or better, AUTHORIZATION for being. What is this authorization? In times immemorable it emanated from systems of crude religion and ethics, the original sources of all our moral perceptions, and was promulgated and executed by the "king" as both political and ecclesiastical chief. From these early beginnings it developed into definite codes and tenets, with many strange vagaries and frequent changes as mankind progressed in intelligence, religious beliefs and political institutions. Gradually the "Church" became the main sponsor of the law; it made its recognition and protection its essential concern, emphazing the religious or Divine elements of its origin to the fullest extent. It confirmed the SACRED OATH upon the Bible, or affirmation upon the Talmud and other foundation-books of religious systems, as the **mainstay** of **respect** for the Law, of its efficacy and

faithful execution. To this powerful agency was later allied the hereditary office and authority of the King by DIVINE RIGHT under the sanction of the Church, a combination which represented the highest embodiment of constituted authority ever attained, and likewise the highest Authorization of the Law that it is possible to effect.

Thus in English Colonial times this authorization rested directly in The Crown and in the Established Church, bound to them and they to each other by solemn oaths and impressive public ceremonies. This **vested and aesthetic authority** of the Law disappeared when the domination of England ceased; it retreated across the seas with her soldiers and her bishops. And, while colonies changing into States could certainly adopt the existing Law in form and substance, its former understood and visible authorization had been removed. What took the place thereof? Naturally, the inherent and fundamental source of all power in the new Republic, that which replaced the King of England and his Church, i. e., The People of the United States and—The Bible. The Statute Laws, beginning with the Constitutions, State and Federal, are created and **authorized** by the Sovereign People; but in the absence of any established or recognized National Church or other Ecclesiastical authority, there remained of that potent moral influence only the general religious convictions of the people and the **oath upon the Bible** as a moral and spiritual foundation of the Law.

But the Oath, resting on the general belief in a Supreme Being and in punishment after death for sin (lie) wilfully committed, but barren of other and more detailed religious declarations and devoid of emphasizing ceremonies, has degenerated largely to a mere compulsory formality, dissociated from its original meaning, character and purpose. For those who, from lack of definite religious belief object to the taking of the oath, a simple affirmation to **speak the truth** is presented as a valid alternative. In regard to

the **Common Law**, the traditional unenacted Law, it rests with us simply upon popular consent. In form, therefore, and much of its practice, our law can be said to have, practically, lost the religious basis of its authority and to rest almost exclusively on its **secular authority** derived from the enacting power, the People. As this authority is essentially intangible and shifting, not represented by any permanent "figurehead" such as a King would be, the Law, here, rests on a less stable foundation than is desirable. In consequence it is fast assuming the character of the deficient forces which give it life.

This absence of definite ethical authorization of the Law, and of visibly expressed authority and dignity by suitable ceremonial, is a defect in our system not to be regarded lightly. Additional influence for good results from such association; the power of symbolism and æsthetic expression are effective and appropriate even in a republic, if kept within reasonable bounds. The U. S. Supreme Court and the State Supreme and Appellate Courts are dignified Bodies in their methods and environments, but they do not so much express The Law itself as its administration, which is not entirely the same thing. The author believes that an effect of great public value could be gained in this direction by the creation of **National and State Chambers of the Law**, which, in specially designed fireproof structures, would house "the Law of the Land," set forth in magnificent volumes of the highest art. Upon these volumes, which would be the authorization, as to text, of all the law books of the country, the **oaths of office** could be taken of all our principal civil and military officials, who would thus soon become a very numerous "Legion of the Law," pledged to its loyal support and defense. It would create a definite, living, continuous expression of the POPULAR POWER as the foundation of the Law.

To return to the subject of the Constitution it is imporant, in view of the proposed extensive amendments, to realize what were the country's general con-

ditions under which it was framed, in the years from about 1785 to 1789. For that period was like the stage upon which the play would have to be acted, it determined the perspective view of the future which The Fathers were able to form and for which they had to provide.

As we know the total population of the States at the end of the War of Independence was about four millions of people. They were distributed in widely scattered districts, with large areas of unoccupied lands between the towns, hamlets and farms. The public roads were few and poor. It was a good day's journey from New York to Philadelphia, and two to Boston; there were no railroads, steamboats or telegraph lines. In industries most everything was hand work, as the steam-engine had not then been introduced. There were water-power mills and wind-mills, and all the simple mechanical contrivances; shipbuilding was done at different points; a post-office system had been commenced.

Educationally the people were fairly well situated. They had the hand-power printing-press, published newspapers and some books; there were good common schools everywhere and quite a number of higher schools and colleges. The love of learning was spreading fast, and many books were annually brought over from England and France. Taste for the arts of Painting, Sculpture and Architecture had also begun to make its appearance. While this general situation looks to us moderns very primitive, it was not so relatively to our forefathers who, looking back over their own history of development from the early settlements, felt their country and times possessed of the spirit of progress, and destined to experience a rapid advance in every line.

Yet, could they possibly foresee the wonderful progress the country actually made even in the first fifty years of its existence, not to mention up to our day? It was impossible. The immense economic and social changes wrought by the arrival of the steam-engine,

the steam-boat and railroad and telegraph, joined to an ever-growing immigration of every variety of nationality and character, could not possibly have been foreseen. The effect of these influences upon the National life was great and has become **ever greater** down to our present day. How has the Constitution met these changing conditions; how has it endured? It has met them grandly; it has endured wonderfully!

Framed with remarkable forensic ability, the Constitution has been tested in the furnace of time and been found wise, elastic and strong. It has successfully met all that concerns the essential character and needs of the federal body politic, all the perplexing issues of advancing times. It has required some amendments, i. e., additions made necessary by the important phases of our National existence, but with their assistance has achieved the stability and welfare of the country to this day.

Now, however, we have arrived in the midst of those alarming developments and deep-seated evils, which have been described in the Introductory Article, and which call for changes in the Constitution more **extensive and radical** than any heretofore required. These new conditions have already led to a certain disrgard of its wording to a "stretching" of its meaning in the attempt to meet them; a fact so grave that it alone justifies amendment. In the Author's opinion we should not hesitate about making these changes, once their necessity is fully comprehended by the People. The original foundation is broad and strong, we need not fear to build upon it. Every Constitution requires amendment from time to time to meet new situations and necessities; the latter are imperative, a natural development in the life of a People and cannot be suppressed, neither can they be satisfied by inadequate temporary measures. We should particularly not allow ourselves to be deterred from this great work of reform by filial sentiment, false pride or ideas of a "sacred inviolability" of this document; for, guided by good judgment, which we may reasonably

believe to possess, we can pay full tribute of respect and gratitude to the Fathers of the Constitution and, at the same time, adapt their great work to the modern needs of their sons—ourselves.

(d) AUTHORITY AND DIGNITY IN GOVERNMENT. — STABILITY AND ORDER. — ANARCHY.—SOCIALISM

The general object of all government is to establish order, peace and security, and to do all that is possible to promote the general welfare and greatness of a country. Whatever the power be, however located and exercised it must possess **authority,** must be respected by the governed, to be effective. Authority is independent of the system or idea of a government, as it emanates more from qualities of personal character and equipment than from political principles, so that from this point of view there may be bad republics and good monarchies, as easily as the reverse; for, the republican system by no means excludes the **personal equation.**

Some of the difficulties of our republican system are revealed by these considerations. While we **elect** our officials, we do by no means elect all of them, nor is there any positive guaranty that those whom we do elect are the **best equipped** for their positions. The power of The People is both limited and unreliable.

Beyond the direct elective offices there are all those indirect elective and appointive offices; i. e., the United States Senators, the Cabinet officers, the Justices of The Supreme Court, Generals of the Army, Admirals of the Navy, etc., through whom power is exercised and on whose efficiency Authority depends. In European monarchies a similar, even larger list of offices are similarly **appointive,** but **there** Public service is a high honor and a guaranteed life-occupation. This changes the whole situation and reveals our defect, for, **reasonable permanence** of positions is the very essence

of authority. The mere knowledge that the President, State Governors, Representatives and all other important short-term officials are compelled to relinquish their work before they have had time to master the intricate details of their routine work, not to mention the inauguartion of improvements in service, etc., depresses the incumbent's higher ambition and **spirit**, and affects the prestige that should attach to their positions in the mind of the Public. The short term robs the office of incentive, dignity and opportunity; it belittles the man as well as the office; it undermines the efficiency of the public service and breaks down the People's pride and confidence in their institutions. The later chapters will bring a further discussion of this subject.

In reference to The Law, this matter of authority and stability was developed at some length in the preceding article. In a general way **our government's** effectiveness is seriously interfered with by great looseness in these important principles. The kaleidoscopic character of our administrations in City, State, and Nation makes the seat of power itself appear evanescent, uncertain. We **must positively introduce more stability into our methods.** In Law and Legislation nothing seems to be certain, positive and durable; everything seems open to revision on the slightest pretext. This facility in amending or repealing enactments has produced a bewildering array of statutes, incomplete or contradictory; it has engendered a spirit of **haste** and **recklessness** in Legislation detrimental to useful and reliable work.

No country on the earth presents a parallel to our conditions in this respect. Above all else Law should be short quick and decisive. We have **too much law** altogether; we rush along at every legislative season to make more laws of the same ill-considered sort; **worst of all,** their proper enforcement is as uncertain as their sense and purpose. The public has reached a condition of resigned indifference in this grave matter; it knows that at every session of Legislature

or Congress there may be **changes or repeals.** Can we wonder at the fact that The Law is losing in respect and authority? Some very instructive remarks on this subject were made by the Hon. Jas. Bryce, British Ambassador, and author of that excellent work: "The American Commonwealth," before The Bar Association of New York some few months ago.

To make Authority truly effective it must be accompanied by DIGNITY, as its visible expression. The æsthetic sense of man demands that anything that is **important** in its idea or object should be **visibly** so expressed, and thereby exhibited and **emphasized** to that branch of our faculties which are only second to the reasoning powers for understanding the nature of the world around us. This trait involves all those agencies capable of investing a public office and its incumbent with graces and **distinction,** in due proportion to other similar higher and lower offices. They may be distinction by style of habitation, equipages, costume and special insignia; by all that we know of ceremonial, pomp and circumstance associated with the exhibition of power and authority.

These are powerful factors in sustaining authority in goverment with a large body of the people; they satisfy a universal trait of human nature that no extreme theories of "democratic simplicity" can ever suppress. We have abundant evidence among us that our people are becoming possessed of this sentiment. Its growth should be encouraged, for it operates to the public good when kept within bounds of reason and good taste.

We may as well acknowledge the fact that **human nature traits,** ethics and æsthetics, are independent of governmental systems; a man is **a human being** first before he is a member of any certain form of political institution. The French, for instance, now a Republic since 35 years, and as much as we committed to popular rule, being a very artistic people do not hesitate to decorate their President with a *tri-colore* sash, brocaded hat and emblazoned order, as the

visible insignia of his high office. In many other directions they accord to appropriate ceremonial and outward expresson of official dignity the proper place in their public life. What would one think, for instance, of a priest or clergyman officiating in the same dress in which he appears on the street; or of the Judges of the U. S. Supreme Court sitting without official insignia and distinction, one in a grey suit, the next in a black suit, the third in a blue suit, etc. The idea involved is the same in all cases where official dignity and authority call for proper æsthetic expression.

No one need be alarmed by these suggestions. In this, as in other similar directions, the paramount idea can be manifested and satisfied in a variety of **proportions**; where simplicity reigns in general, and very properly so, but **little** is required to create **distinction**, but that little should not be withheld. We have made some commendable progress in these matters in recent years; and this trend should be continued, that the increasing importance of our country may in future obtain fuller and more self-conscious expression, both at home and abroad.

Equally as detrimental to authority and Dignity as the short-term tenure of office is the retirement of officials from high positions to assume such of a lower grade. No retired President of the United States should ever be permitted to act in any other **active** political capacity at home; nor should he become an Ambassador of the United States to any foreign government. The only field left open might be that of arbitrator in National or International disputes, of delegate to International conferences, or purely honorary consultative positions of high public trust. Any re-entry of an ex-President into the ranks of professional or ordinary activity should be made impossible. As such a course might cut off **necessary income** from the one concerned, every ex-President should be tendered by the Nation the privilege of a liberal pension, to enable him to live in a degree of dignified retirement befitting his former high position.

This idea was not very long ago set forth by the late **Grover Cleveland** in his usual lucid manner, and should be made the policy of the Nation. He has, also, furnished us with an excellent example of dignified life by a retired President in his own practice.

Likewise no Cabinet-officer, Ambassador, U. S. Senator or Governor of a State should ever be allowed to hold a lower political office. These suggested restrictions apply with especial force to the **Judiciary,** from the inherent delicacy of its relationship to the Government, the Public and the Individual. It should not be permissible for any Justice of the U. S. Supreme Court, Appellate Divisions and Circuit Courts, nor of any State Supreme or Appellate Court to resign his position on the Bench with the object of **re-entering** the ranks of practicing lawyers, nor to enter the field of **practical politics** as a candidate for office, no matter how high, not even for the Presidency.

Such action does violence to the dignity and confidential character of these Judicial positions; it hurts the sense of propriety and is, politically, demoralizing in its effect. A moment's reflection on this matter, on the possibilities of degradation of the austerity that should attach to the Bench; on the temptation to abuse information and confidences, etc., must convince anyone of the **impolicy** of such recessions in the Judiciary, and also in the other branches of the public service.

The Author, further, believes that, to insure a higher degree of the qualities discussed in this chapter and also to increase competence under increasing difficulty of positions, **the age-standard** of all our higher officials should be raised. This matter will be treated in detail further on.

That no State can exist without orderly government should be self-evident to a normally constituted mind. Such orderly government can include every variety of socialism and single-tax plans. Anarchy, however,

excludes social order and all forms of organized, united activity for the common weal. It means everyone for himself; it will destroy energy and ambition, wipe out civilization with its comforts, gratifications and embellishments, and lead straight to want, sloth and utter decadence. This, at least, would be its logical course; but as the entire program is against human nature and, in reality, only a weak-hearted and imbecile protest against present conditions, the Author does not believe it could ever exist long enough to run its full course to destruction. Anarchy cannot be regarded otherwise than a conception of minds befogged and distracted by illogical doctrines. This, of course, is not stating the case fully; the anarchists are only in favor of the destruction of all existing governmental institutions, property rights and other inequalities on the ground of the entire system of our present civilization being too fundamentally wrong to be capable of reform. They wish to uproot, if necessary by violence, the present state of things to begin anew on better lines. Their enmity is really more against government and civilization in the concrete as we now have them than against these institutions in principle. They hesitatingly admit that after this hoped-for *debacle* and the re-adjustment of things on the basis of the equal division of wordly goods, some simple form, at least, of government would be required, suitable to the then hoped-for Utopian state of society.

As to socialists of every grade and shade, they are believers in the rule of government to a greater extent even than is thought necessary or desirable in our accepted plan of self-government. With them the government should, more or less, be the owner of everything and also the employer of most everybody. In its extreme form it leads to the fully organized Communistic State. These theories represent the *ultra* development of the doctrine of the Equal Rights and Liberty of Man to which (the doctrine) we also subscribe, but with limitations of reason and worldly facts that should be patent to all.

Socialism has its origin in Europe where it has arisen under unfavorable and unfair political and economic conditions, which have imposed great hardships of existence upon the working population. Of like conditions we have had no parallel here until within very recent years in our congested large cities. Their effect is to limit the opportunity for effort and progress of the individual worker to the minimum, and, they are accompanied by confirmed poverty and helplessness of the masses. It seems strange, at first glance, that these new and radical ideas should find such ready spread in this country of unlimited riches, of wide opportunities, of good wages and ready demand for every kind of labor. Yet, the fact is incontrovertible that socialism is **not confined** to the foreigners who bring it here, but is fast seizing upon our native-born population, irrespective of race or origin.

A large proportion of the foreign workingmen of all nationalities, who come to the United States, are socialists. They have a **real grievance** against Society; they have suffered, and have been worked up to a frenzy about their wrongs. But under the influence of visionary and selfish leaders they are filled with ideas of the unreasoning and theoretical kind, away from the facts of life and human nature. Such ideas, unfortunately, seem to be particularly captivating to the lowly and uneducated; they believe any remedies possible that plausibly promise ameliaoration of their condition, no matter how unsound and impractical they may be. Besides this kind of socialism they bring here with them an entirely **erroneous notion** of the conditions in the United States, of what this free "Government by the People" really is like.

They have an idea that work will be easy and money plentiful, and are disappointed to find that, here as elsewhere, success and property are the prizes of hard work, perseverance and thrift, with a little good luck to accompany them. Their illusions are not realized; they find the same conditions of extreme riches and

poverty, of unsteady employment, of spells of hard times and suffering that drove them from home. Being wholly incapabble of arriving at the proper grasp of our theory of humanity and government, they are confirmed in their socialistic tendencies brought from aboad and fall a prey to the professional agitator, who teaches them to use their **freedom of speech** and the right and power of the **ballot** to secure socialistic reforms.

It is not very difficult, with these alluring ideas of greater equality, more rights and property, cheaper living and government protection of all kinds to obtain converts. The poor and helpless, the naturally unthrifty, the incapable **we have always with us**, even in a republic. Thus it was inevitable for the propaganda to spread quickly to the native laboring and industrial classes; nor was there any difficulty to unroll before them a lengthy and convincing arraignment of the short-comings of this republic.

Up to a certain point Socialism is logical in theory, just, and beautifully humanitarian. In this state of society there is contemplated not only law, order, governmental authority, activity of every kind and the progress of man in every line, but also **a fairly equal material situation** of all the people. While full equality in property is not expected to be realized, there would be no very rich, nor any really poor and dependent people; **all would live in fair comfort free from want**, working in their chosen field with a considerable degree of absolute independence, rid of care and spiritual dissatisfaction. Such is the theoretical program.

This happy state is to be brought about by the elimination of Capital in **private hands**, as we now have it, controlling all the agencies of production, raw materials and machinery as well, and substituting therefore **collective ownership** of these agents. There are a number of other far-reaching economic, social and governmental features connectetd with the socialistic plan, but it would lead us too far from our general

purpose to go into these matters in detail. The thought of socialism is inspiring! True, it is a paternal and, in a measure, a **philanthropic** scheme, a scheme of all and everything for and by the people, a true scheme of the greatest good for the greatest number. It excludes, however, considerable of **personal initiative** and opportunity for **individual achievement**; but on the whole it is not a plan of life and government unduly submersive of manliness and self-respect.

In the estimation of many able thinkers the great good to be obtained, i. e., the absence of the social **curse of poverty**, the consequent elimination of most of the suffering, vice, crime and ignorance which accompany our present state of society, and, also, the equalization of opportunity to work in agreement with one's natural tastes and abilities, would be well worth the sacrifices entailed in other directions. These remarks of the writer must be understood to apply only to **that** degree of socialism which, in the light of other inexorable considerations, it is believed possible and desirable to attain. This latter practical and acceptable program has not yet been formulated into a definite system. In a previous chapter the Author has pointed out the growing strength of Socialism in the United States by its gradual invasion of the Labor Party, creating thereby a situation full of danger to our present idea of a republic, unless met with sagacity, tact and firmness. The two movements are apart **in name only**, as far as the real gist of their respective aims is concerned.

Meanwhile it cannot be denied that the general attitude among advanced nations is unmistakably towards a trial of, at least, the most plausible features of the socialistic program; such ideas as Municipal Ownership of Public Utilities are in the way of being introduced, and extensions of that idea to State and National interests are being considered. But like all forms of government, including our own, complete socialism put in **actual practice** will also experience its vicissitudes and disappointments, and will speedily

find its limitations. These are set by **nature itself**, which ordains the ultimately balanced, though periodically shifting, deployment of **all** human traits and faculties on a pitiless basis of **inequality of endowment and opportunity**, for her own inscrutable purposes.

The order of nature everywhere shows graduation and classification, i. e., order within diversity; subordination and domination, i. e., authority within individuality; change and decay within progress and continuity. All these are the essential conditions and principle of **growth**, of life; total equality means stagnation and death! Society as a whole can, therefore, never even theoretically be on a basis of **uniformity** in position or scale, occupation and wealth.

The only socialistic teacher who understood these elementary facts and built his system on the natural traits and needs of man, is the immortal genius **Charles Francois Fourier.** His social and industrial plan is one of great beauty and completeness; and, properly instituted and adapted to modern conditions, it may yet prove the **true foundation** for solving the perplexities and unhappiness of mankind.

There will always be classes of comparative wealth and poverty, ease and hard work, gentility and rough occupations, but there will never be **perpetual sameness** of conditions, no more than equality thereof. A steady changing of forces and relationship are continually taking place in human affairs for purposes of recuperation, balance and progressive development. The full and extreme realization of Socialism implies negation and contradictions of these truths and is, therefore, a natural and philosophical impossibility.

The point which, in view of the particular objects of this book, interests us most in these advanced doctrines of government is the fact that their adherents regard our Democratic system as **defective** in both **theory and practice**; as one in which the words Liberty, Equality, Justice are a hollow sham and mockery; one no better in practical results than many a monarchy. They say we are ruled by a king and a tyrant

greater than any in Europe or Asia and that his name is MONEY, a kind of modern Golden Calf which we have made our idol and our ideal; that we have **classes and masses** in this country the same as they are found elsewhere, and that the "Brotherhood of Man" is finding but a poor exemplification in our political and social system.

It is well at times to see ourselves as others see us. There are too many who, engrossed with their own affairs to the exclusion of all interest in public questions, and entirely certain that ours is a government **beyond improvement**, refuse to take notice of either foreign or domestic criticism. This is to shut the door in the face of progress. It is useful for us to realize that our republic is not only being criticised by many who are convinced of its fundamental strength and soundness, like the author, and who strive only for **betterment and advance**, but that it is also being radically condemned by still others, who assert its essential **faultiness of principle** and the hopelessness of realizing by it a really true democracy. All government is human and imperfect, and subject to perpetual processes of change; too narrow a point of view will prevent us seeing either where we stand or whither we are going.

(e) NATIONALITY AND PATRIOTISM.—INDIVIDUALISM.—THE PRACTICAL AND NATURAL IDEAL

In further elaboration of the ethical ideas of government, we are warranted in saying that Nationalism and Patriotism show two opposing tendencies, one towards extreme **idealism**, the other towards extreme **materialism**. The very word "extreme" indicates that the Practical National Ideal must lie somewhere halfway between these two.

These tendencies at times run contemporaneously **parallel** and in ever growing opposition to each other,

until a climax of contention is reached; at other times a whole nation may follow first one impulse and then the other, in obedience to laws of natural and inevitable reaction. As all these forces are dependent, largely, on traits of human nature and capacities, **the well-balanced man** should, logically, be typical of the **well-balanced nation**; and, in fact, neither the extreme idealist nor the extreme materialist represent the perfection of manhood. That implies the unrestricted exercise and deployment of **all the good** that is within us, with **the bad** restricted to the greatest possible minimum. It must include ambition to excel, and the courage and self-assertion to prove the excellence; for all these are legitimate human qualities which nature has made a part of us. But being, as we are, not all equally endowed and cast in the path of the same opportunities, nature itself not being everywhere equally propitious to man, there must unavoidably result **inequalities** of position, achievement, of property.

In the earlier periods of civilization this right of the individual to self-assertion attached almost exclusively to particularly favored persons and classes. Gradually, as mankind advanced, the people as a whole came to the front and were themselves enthroned in power on the basis of the equal right of self-assertion. This was the advent of **Collectivism**, which is Individualism not dead but subordinated, limited, submerged in the multitude. But, true to all that has been said, this expanded equality could not be **absolute.** It represented, however, a powerful new principle with which to reach, gradually, a just measure of **possible** equality and general happiness. **Individualism**, though more diffused and changed in character, retained its former position as a **rightful factor** of political and social life.

Progress has, therefore, been made both in the principle and practice of ameliorated life—and more is to come. Thus, in this our present age society recognizes the rights of individualism, but demands for it those obligations and limitations which, shall satisfy

the claims of the common weal, as now conceded by an enlightened spirit of humanity. This involves, on the other hand, that the people as a whole, in order to mantain the **just balance** of these opposing tendencies and to prevent the deterioration of human character, shall **understand and acknowledge** the demoralizing effect of that extreme degree of socialistic paternalism which is repulsive to the **instincts of healthy manhood,** and disintegrating to the Individual alike. On this common ground mankind could settle down to the achievement of the practical ideal.

What, then, may we propound as the true and practical ideal in Nationality and Patriotism? Accepting the general principles and institutions of our Democratc government as the basis, including those improvements which the contemplated Constitutional reforms would effect, and adding thereto the full recognition of the rights of individualism (within the **limitations** which have been described), we obtain the framework of the ideal political and social State. In it there could exist essential justice between man and man, a practical equality of opportunity, unbounded activity in every field, material and spiritual satisfaction and **general happiness of the whole people, thus** attaining a more perfect National ideal than has yet been exemplified in ancient or modern times. To achieve this happy consummation in our Republic there would be required, in addition to the changes in our political system, such measures of **industrial and socalistic reform** as would commend themselves to the sober judgment of an enlightened and humanitarian Public opinion.

In such a State the well-balanced man would be typical of the well-balanced Nation. Every legitimate activity of body, mind and soul could find opportunity for expression, and their demonstration would be accepted as not only proper but **imperative** to individual and National greatness—the grand philosophy of GOETHE, the broadest, deepest thinker of modern mankind.

In the larger political field there would be recognition

of the right to take advantage of all **favorable natural opportunities**, geographical situation and material resources to demonstrate the qualities of a Nation beyond its own borders to the **world outside.** Such external activities have a salutary influence on patriotism and National virtue. They lift a Nation out of the slough of a too subjective self-contemplation into the higher sphere of legitimate friendly rivalry with others; they wipe away the cobwebs of inter-necine political contentions by fixing the gaze on those **larger destinies** that involve the welfare of **all** mankind.

For our own country the Spanish-American War and the acquisition of the Philipines, of Porto Rico and the Hawaiian Islands have done us an **immeasurable service** in this sense, in proportion to which the sacrifices of life and treasure involved, though great, are insignificant. Situation and opportunity, naturally, are the basis and incentive of such external National employments. Greece would not have been Greece, and Rome not Rome, without the inviting theatre of the **sea** surrounding their countries. And need we point to modern history, to Spain and Columbus, Holland, France or England? **Not** to use such natural advantage would indeed be worse than folly, would be unmanly, imbecile.

Opportunity, however, must be the **fair offer** of existing circumstances, not wrongfully and arbitarily created at the expense of others' rights. No mere wanton spirit of conquest and lust of empire, of material advantage at any price, can ever be countenanced by this Nation, this future Nation of the **most advanced plan** of government and civilization. The inducements of **permissible** commercial enterprise and of **rightful** political ambition must alone be the handmaids in this course. In this spirit rivalry in these fields will be highly salutary to our National character and existence.

(f) ARISTOCRACY VS. DEMOCRACY.—POLITICAL AND SOCIAL CASTES.—RULE OF THE PEOPLE

In tmes not so long ago Society was strictly divided into classes called CASTES, usually four in number, the Ruling Aristocracy, the Warrior Class, the Priests, and the Common People. Between these there was little or no co-mingling, and the transition from one class to the other was difficult. These barriers were gradually broken down; but even to-day we have in monarchial countries an aristocracy of Nobility and of Ecclesiastics, who enjoy special titles and privileges. It is only in Republics, where The People reign supreme, that all permanent distinction between persons by reason of birth or occupation have been abolished.

The aristocracy of birth, inherited titles, lands and prerogatives and that of ecclesiastical functions derive their being and authority, respectively from the King and the Church, generally from both. In the case of ecclesiastics, as far as European conditions are concerned, the fountain-head is either the Catholic Pope at Rome, or the Czar of Russia for the Greek Church, the King of England for the Anglican Church, and the various Protestant Rulers for the other established Protestant Churches. The same close connection that we have traced between the King, the Church and the Law exists between these and the established aristocracies.

The one of Nobility concerns us more particularly. It is a society **within a society**, endowed with distinction and privileges denied to the body of the people. Its origin dates back to the warrior-classes of antiquity, the chief of the Clan or Tribe who by virtue of superior intelligence and force of character, obtained by successful fights domination over his fellows, secured to himself and his heirs possession of large private domains, assumed titles and prerogatives. The multi-

plication of such small rulers or princes gradually produced a class of considerable numbers of varying degrees of influence and possessions. This led to unifications of interests, the grading of titles and privileges, and the appointment of a head or chief Noble as leader in wars and councils. This system attained its complete and very picturesque development in the feudal ages by which time it had evolved full **Royal Power** as its supreme pinnacle and expression, and had also attached to itself the sanction and prestige of The Church, in exchange for it propagation and defense.

Since those days, the powers and position of the aristocracy of Nobility have undergone considerable change. The consolidation of Kingdoms and Empires into distinct units of centralized government and the consequent reduction and final annihilation of the individual **war-lord powers** of the Nobles, together with the modern development of Nationality, the idea of the Modern State and of the Rights of The People as the ruling political factors, have gradually reduced the Nobles to the status of vested **Landed Proprietors.** They retain their guaranteed titles and class-privileges and hereditary succession, known as **primo-geniture,** as we find them to-day in all the European countries.

They continue, as a class, to devote their activities to the maintenance of the monarchy and the Church, and to serve their country in politics, diplomacy, the army, the navy and other lines; many may now be found in the ranks of literature, science, art, exploration, sociology, even in industry and commerce. The old prerogatives of the Nobles have largely become obliterated, the only important political privilege left to them being the hereditary seat in the Upper Houses of the Constitutional Parliaments. All other public positions which the Nobility can now fill are subject to appointment by the Ruler or Parliament, or to election by the People.

With this the question arises: What is the position of this aristocracy to-day, for good or bad, in the

monarchies of Europe, and is it entitled to any esteem and recognition on the part of the people of a Republic? To answer this question justly we should first disarm ourselves of all those prejudices and animosities towards everything royal, monarchical and aristocratic to which allusion has been made in the beginning of this book. It has led us to conceive of the aristocracy as an institution of mercenaries and sycophants, of arrogant schemers against kings and people alike, given to lives of idleness, and indulgence. Much evidence, undoubtedly, can be produced to give color to this idea. The origin of many noble families is distinctly unsavory, their record devoid of merit. Their political action, has often been disastrous to their countries; their ranks have furnished conspirators, traitors and regicides in large numbers. Socially, many members of the aristocracy have been a disgrace to their order by their riotous and illicit lives.

Much of this, however, was less the product of their caste than of the times. We must not forget the turbulence, violence and passion, political and religious, which has characterized the course of public events in every country of Europe from the twelfth century to comparatively modern times. The struggle for religious liberty, for Constitutional guaranties and popular rights, for territorial possessions, for unification of nationalities, etc., has been one of such unremitting intensity, vicissitudes, wars and revolutions, in comparison with which we are now living in an epoch of perfect serenity. Weighed in the scales of impartial fact, the Nobility of England, France, Germany and all Europe is not found wanting; they have, on the whole, deserved well of their countries. Up to very recent political times they were the most active, patriotic and only **constructive** element of these states; they fought their battles, conducted their diplomacy, furnished the dignitaries of the Church from their ranks; they were the patrons of art, science, investigation and exploration, were found in every move for progress, even of that for **advancement and freedom** of the people.

We need but consider the favored circumstances of **existence** of this caste, i. e., freedom from want and hard toil, education, travel, refined surroundings, and allow due weight to the influence of **heredity**, to see that it would indeed be strange if they did not at the end of a long stretch of time possess many distinguised gifts of **character, mind** and **personality** that set them apart from the level of the ordinary toiler. Another point to remember is that, in their more recent history for the last three centuries about, they represent not merely an order by inheritance but also by **merit.** gained by their work for their countries' best interests in varied fields already mentioned; also, that their ranks have been largely augmented by many men elevated into their class from the body of the people as rewards and distinctions for what they accomplished for the Nation or humanity.

Many statesmen, generals, scientists, artists and authors have thus been **knighted** by a grateful sovereign and gladly so accepted by the people. In this process there is a graduated order of advance, depending directly on increasing merit of services before the highest pinnacle can be reached. In the light of these acts we must concede that the Nobility, as a caste and an historical product of monarchies are entitled to recognition and esteem on the part, also, of democratic peoples.

As we are by history and race closely related with England, and as that country enjoys the most **liberal form** of Constitutional monarchy while still retaining an hereditary nobility, it is instructive to note the practical working of this combination there, at the present day. In effect we find the English Nobility, by their attributes of assured wealth, social position, high culture and *quasi* **enforced leisure**, to be a factor of the greatest National value that makes for stability, dignity, and conservative progress towards ever greater liberty and more extended popular rule. The heads of these noble families have the hereditary right to a seat in the upper English Chamber, **The House of Lords,**

and are thus compulsorily drawn into the political arena and, as a rule, devote themselves with earnestness to these duties, many, by virtue of intrinsic abilities, becoming party-leaders, ambassadors, cabinet ministers, and Prime Minister of the nation.

The younger members of the Nobility have a career open to them in the army and navy, the Church, the adminsitrative and diplomatic service, and a political career in the **House of Commons**, by popular election. Hence, we find in the public service of that country a body of men of the **highest honor** to whom any thought of illicit pecuniary gain in connection with public office, of sordiness of motives or ambiguity of methods would be the height of moral degradation, an insult to their name and station. A political career to them is not only an honorable ambition but a **noble public duty**, to be done with disinterested devotion. For this they are well equipped, having money, time, educational training and assured prospects before them; hence, the sterling honesty and high moral tone of English public life, its stability, authority and dignity.

In our Republic, and in any other, the absence of an independent class of wealth, leisure and culture, corresponding in position and aims to the European Aristocracy, is a great drawback to orderly political work. By **orderly** is meant above all **honest**, pure in motives and methods, qualities which in many ways are more important than ability. It is not so much from the lack of individuals capable of assuming this position that we suffer; it is their unwillingness to hear **the call to public duty,** to take up political work as a vocation, that is our greatest weakness. Nor is the reason a lack of interest or patriotism but rather a feeling of **impotency and distrust**; of being lost and crushed in the great maelstrom of our ignoble politics. They fear the contact with the **small professional politician** who rises from the lower ranks to his seat in the Legislature or in Congress, and in that **climb** has gone through the whole nasty mire of our City and County politics, with their trickery, graft and

corruption, and who finds it impossible, at the end, to rise to a **higher plane** of duty and patriotism.

In the English House of Commons, where Nobles sit with Labor delegates, there is no such feeling and situation. Politics over there are both a serious and an honorable business, and those who rise to positions in it are entitled to and receive the sincere respect of all. For the reasons indicated our rich and cultured class abstain from active politics, with few laudable exceptions, and we depend almost entirely on the ranks of Business and particularly the Law to furnish our higher grade of public men. But these classes, though brilliant in abilities and bristling with energy are apt to be deficient in the **objective point** of political view, in the breadth of ideas and historical feeling required for directing the larger National issues and International policies.

For this situation, as for so many others, the **Reform of the Electorate** is the only means of bringing about improved conditions by investing the profession of politics with greater respectability. An electorate of more uniformly high intelligence, information and responsibility would create a **purer atmosphere** for political service that could not fail to attract the best men to the public work of the country, and make that work one of unmitigated honor.

In a republic where the **Rule of the People** is the dominant idea, it is difficult for many to see the ethical and historical aspect of a King and Aristocracy. But we must allow that **environment and habit are everywhere** powerful factors in shaping the opinions and feelings of a people, be it in a republic or in a monarchy. To most of us it appears almost incomprehensible that intelligent and progressive Nations like England, Germany, Italy etc., should tolerate the idea of a **Personal Ruler** who, although compelled to share his power with a Parliament, still has left to himself great prerogatives and who, moreover, exacts "allegi-

ance," claims homage, inviolability of person, "Divine right" even, for his office.

The only explanation of this apparently anomalous condition is that the King of these countries is **an historical institution** that represents, in one person, the authority, dignity and executive power of **the State.** To the more progressive the King is a Figure of habit, tolerance, and sentiment rather, than any literal embodiment of his other claimed attributes. Especially in England the office is more æsthetic than material. But on the whole a large proportion of the people in monarchies feel a general sense of loyalty to the ruler who is to them **a link** in their centuries of National history. It is useless to quarrel with traditions and sentiments in such matters; our own Declaration of Independence contains expressions of respect for them. While the advance towards Democracy in the European Monarchies is **distinct and strong**, the People, as a whole, have not yet penetrated to the conscious and uncontrollable desire for complete self-government. Progress is taking place slowly and on conservative lines, and it is better for the final result to be reached in a **natural manner** than by violence of revolution.

But the Rule of The People is doubtless the ascendant political principle of our times, and its sway over all European Nations at no distant day is probable. Nor need those fears of the **"Seven-headed monster"** of antiquity, The People, or more correctly The Mob, be now entertained as they were justly entertained to within a hundred years ago. The French Revolution, no doubt, made mankind **terribly** conscious of the truth contained in the simile of old. But there has since been a period of such unparalleled progress in education, discoveries, enlightenment, humanitarian efforts; of change in the whole status and processes of life towards equalization and diffusion of material ease; in morality, temperance and self-respect on the part of all the peoples that the fears of violent outbreaks, **of mob-rule**, of anarchistic and communistic

demonstrations with blood-shed, destruction of property and general chaos need no longer be entertained. That **isolated troubles of** this kind, by limited numbers and in scattered localities may still take place is not disputed; they may happen with us, and still more so in Europe, especially in Italy and Russia.

But in this Republic the normal individual man, already in the enjoyment of improved conditions of existence and of a secure political status, feels that **order and stability** are his **best friends**, and that all further progress must be sought by peaceful and legitimate means. It will be by persuasive discussion, but more particularly by a **Vote** of a higher moral and educational standard, that our healthful advance towards a realization of the constantly enlarging conception of a "True and perfect Republic" will be made.

(g) MODERN IDEA OF THE STATE.—PROPERTY AND TAXATION.—DETAILS OF ADMINISTRATION

As stated before, the primary objects of government are matters of **administration** rather than of politics, of domestic regulations to secure peaceful activity and civil order. Governments are, in first principles, for men and not the reverse, as here and there happened in history. A Nation or People is a result which arose originally out of a number of small aggregations of men, such as the patriarchal clans, tribal communities, the village parish, town, county. It is in these that the primary lessons of government were first learned and finally applied to increasing combinations of such units, until these reached the condition of **National States**, by consolidation of territory, languages and customs.

The various features of administration increased in number and variety with the general advance of man, and in a long and tortuous history they show many changes of form and method, novel experiments, fail-

ures and successes, under ever-changing **political systems.** Finally they have culminated in the modern practice of civil administration and law of our times. In this much identity of idea and methods has come to exist among the civilized nations whose development rests on the **common foundation** of the Roman Law and the Christian Religion.

The various duties of government naturally involved outlay. To meet these public expenses it became necessary to impose **charges** upon the individuals composing such communities, i. e., their lands, houses and other tangible possessions in graded, equitable proportions. **This is Taxation**; it is one of the arduous duties of government to devise its details and collect the moneys due under it. Its just regulation has been the study of all mankind; its unwise and unjust application has been the source of conflicts and revolutions the world over. It has always proven a very difficult problem to design a system of **absolutely equitable** taxation; and with the development of Society, individuals and entire classes received unequal **benefits** from the uses of the funds collected by taxation, so that the ever-widening gap between the rich and the poor made taxation a perpetual source of strife, class-hatred and popular discontent.

Parallel with the mechanism of civil administration, and determining much of its details, have run those larger forces of National Life that comprise the **political form** of a government. It means the particular form, the character that the manifold functions of government are capable of assuming under the influence of a concrete political plan, especially in its reference to the source and action of the inherent **National power**, whether a King and kingdom, an empire and Emperor—or The People and a Republic. It is one of the most interesting studies in history to trace this relationship between the **political form** and the **practical work** of government. Among the many variations which the political character of a State can assume, we find that the conception of **The**

National State is one which has varied greatly as Peoples rose and fell in the scale of their patriotic ideals. At certain periods both Greece and Rome have shown it at its highest level; while at other periods, when Empire had been reached, it became lost and absorbed in a multiplicity of interests, and in the satisfaction of **wielding power.**

In the earlier ages the sense of Nationality seems to have remained confined to countries of **small areas,** and in the larger empires to have been absorbed exclusively by the ruling classes. Much of this is due to the great number of distinct peoples, on a small numerical scale, which composed them, the great variety of languages, customs, religions, which distinguished these early empires. In them patriotism and nationality were **local sentiments** with the people at large; the upper classes alone were able to rise to the conscious feeling of a unified empire, of a National State. These States were but agglomerations of parts; the unification of the forces towards nationality, on the **extensive scale** which modern history shows, had not yet taken place. This process only began with the end of the Middle Ages through the gradual assimilation of related races and languages, of customs of daily life and of religious belief. Then came the occupaton of definite circumscribed territories; together with the gradual internal political progress from absolute autocratic monarchy and empire to Constitutional monarchy, to modern democracy.

Under the action of these consolidating forces, and further stimulated by the impulse of political self-preservation in the acute rivalry of nations for greatest possible development, there arose, at last, the distinct conception of a People and their country as **an entity,** as a political individuality; land and people as **one idea:** THE MODERN STATE, in juxtaposition to other similar States. In this modern conception a country is not its mountains and rivers, fields and cities, nor its people alone; it is all these together, and with language, racial characteristics and past history welded into one

distinct total of nationality. This thought was only possible on the basis of our advanced modern civilization with its wonderful material, intellectual and moral accompaniments, **crowned** by the elevated position in life of the **individual man.** It is an achievement which, from all its premises, was impossible of attainment in any civilization of antiquity.

It is self-evident that this modern conception of the State is not confined to any particular political form. It means a homogeneous Nation or People, completely amalgamated, or in the process of becoming so, in its own fatherland. The State may be a monarchy or a republic, or an empire like Germany or Japan. But it cannot be an empire **of conquest** in the form of the Roman, Greek or Asiatic empires of old, or of the empires of Charles V. and Philip II., or of the empire of Napoleon the Great, or of the present Austrian empire and of Turkey; for, these are or were merely aggregations of countries and peoples, in which the principles of **union of purpose and nationality** are absent. England, as the "United Kingdom of Great Britain and Ireland" is a National State in this sense, because its immense foreign possessions, semi-independent in political status, are regarded but as **colonies,** and designated as her Colonial Empire. In such manner any country may hold colonial possessions for commercial purposes, or as stakes in international politics; or as outlets for its surplus population and material activities, without thereby invalidating its title to a truly National State. The recognition of these ideas in modern international politics is a potent influence that makes for mutual respect, general progress and "peace with honor" among Nations of the world.

The right to individual property was one of the first foundation stones of civilization, as it emerged from the tribal or communal condition of holding property **in common;** for, with it came INDIVIDUALITY, which

meant incentive to work, energy, perseverance, the sense of acquisition, all leading to progress. Beginning with the separately-owned patch of land, some cattle, the simple tools of husbandry and the rude hut of its proud owner, it grew and prospered, bringing in its course all the manifold developments in methods, materials, inventions, discoveries, explorations of foreign lands etc., up to the present ramified state of industry and commerce. The right to property, to the guaranteed possession of the fruits of personal effort, and of the inherited and donated fruits of the efforts of others, carried along with it the material side of civilization. That this progress of man could have been equally secured on any basis of **community of ownership** the wildest flights of the extreme socialist would not dare to assert. The Anarchist neither asserts it nor wants it.

Thus, property-right, including private inheritance and donation, together with the elementary ideas of moral conduct is, also the beginning of **all law,** criminal and civil. It developed the necessity of equity and justice, fostered self-respect and all manly virtues and brought about personal and public security. Joined in time to the benefits of settled religious and social institutions and to the steady broadening of man's faculties by the opportunity spread out before him, **Property right** was also an important factor of his intellectual, ethical and political progress. With the securing of property, established in fact and in law, came its unfeared acknowledgment and use, and, in time, its public listing and recording, all of which incidentally greatly facilitated the difficult work of taxation.

The united private property of all the people of a country, together will all unworked National resources, is the **Wealth of the State,** the backbone of all undertakings, public and private, the credit of a Nation and the ultimate security for its public debt; so that the entire system of property is both foundation and keystone of the National State. That private property is

in the ultimate sense really State property, and so without any socialistic enactments, is plain and proven by history; for, in cases of great stress, war, invasion, famine, the State can devise ways to secure this property for the public relief, unless it be itself in the throes or revolution and dissolution. With the application of progressive socialistic ideas, as already discussed, there would take place a change in the **proportion** now holding between **private** and **public** property. But whether that system would produce an equal amount of total activity and, therefore, of total wealth is a question which actual experience alone can answer.

In the practical details of government, National, State and Municipal, one of the most important principles is **simplicity** of methods and **certainty** of operation, particularly so in regard to the Law and Legislation, avoiding everything that is superfluous, complicated, or contradictory. The necessity of these qualities becomes **increasingly apparent** from year to year, in the ever-augumenting volume of our industry and commerce, social and political activities. This subject has been argued in a previous chapter; it should receive the serious thought of our public men and of the people. Every legislative and legal process, the organization and details of work of every administrative department should all be brought down to the **greatest possible** simplicity, speed and economy. All antiquated and doubtful laws should be expunged from the statutes, and some system devised avoiding the multiplicity and unreliableness which now exist. The creation of special commissions in each State, and of a National Commission for Federal purposes, to investigate this entire subject of simplifying and expediting the Public Service would be a boon for the country.

C.—THE PROPOSED CONSTITUTIONAL REFORMS

I.—THE PRESIDENCY AND VICE-PRESIDENCY.—THE TERM OF OFFICE AND RE-ELIGIBILITY.—MANNER OF ELECTION. — PENSION. — AGE-QUALIFICATION

The Presidency occupies a remarkable and unique position in our scheme of government; it is clothed with initiative, executive and appointive powers of unusual extent, greater than in the Presidency of any other republic, greater, in some respects, than those of a Constitutional Monarch. The Presidency pre-eminently represents and expresses the source of inherent and original power in the republic: THE PEOPLE; and the conglomerate, immobile, indefinite and unorganized nature of that source made it necessary, in the eyes of the framers of the Constitution, to locate **somewhere** a strong, visible, concrete delegation of this power, capable of quick decision and action and of exercising **authoritative influence** upon the entire fabric of the government. This idea is a cardinal mainstay of our institutions, in which so much is indirect and delegated, entrusted to a large number of separate legislative and executive bodies of short duration and ever-varying composition. The Presidency, in midst of this "moving political picture" is firm, permanent and always at work or in operation, while the term of office lasts.

Thus the Presidential power is, next to the Supreme

Court, the most **conservative** element in our government. It is, in a measure, undemocratic and a tribute to the merits of one-man rule or monarchy; but the practical wisdom of its political character, and its beneficial effect upon the general working of the government have been demonstrated. The satisfactory Constitutional scope of the Presidency (and Vice-Presidency as well) whether the incumbent be a man of brilliancy or of ordinary ability, conservative or progressive, has been proven. Likewise the institution of a "Cabinet" of Departmental Secretaries, as active administrative heads and advisers of the President, and the exercise of the President's initiative and appointive prerogatives make, all together, a mechanism that furnishes, in principle, no grounds for criticism of the plan of this great office. Three changes only, but of far-reaching character, have been subjects of public discussion in regard to it: The term of office, re-eligibility and the manner of election. We will first consider the manner of election.

It was fully in accordance with the intended political status of the Presidency that the **election** of the President was made to be one **directly** by the people, at least approximately so, instead of by the National Congress, as in France, or by any similar indirect and **delegated** body. The President and vice-President are the only really **National officials** who are elected by popular vote, and therefore are the direct National repesentatives of the People at large; for, the United States Congressmen and Senators, while principally National in their duties, also represent the special interests of their respective States. The President and vice-President, on the contrary, represent the NATION, the Federal

Union exclusively; and only by **direct choice** of the people themselves could this principle be effectively asserted. The people feel this close, almost personal connection between themselves and these two chief officers of the country very clearly. They feel it, moreover, as a strong **bond of union** between the several States, the Presidential election being the only one in which **all** join together in one common object.

The **indirect** election of the President and vice-President by a Congress would clearly weaken the above relationship and lessen, to some extent, the President's authority, if not his power; so that, as now constituted, this office and its companion may be aptly called "the pulse of the Nation." As the choice of a limited Assembly or Congress, circumstances of personal character and political expedient might at any time make the President the **tool**, instead of the director, of its policy. The mere knowledge of the **possibility** of such a contingency would rob the Presidency of its present independence and prestige.

As to the manner of election of the President and vice-President by a system of "Electors" in each State, and the Congress resolving itself into an Electoral Convention for the final decision, it is an arrangement that was necessitated by the fact, previously explained that, for reasons only partly clear, the Constitution did not create the Franchise in the "National" sense, and could, therefore, not establish an absoluetly **direct** National election of the President and vice-President. (See under "The Constitution.") It left it to be devised by means of the State electoral right and machinery, and by combining these results into a final "Majority choice" of all the States, i. e., of all the

people, as laid down in detail in the Constitution. The general scheme of this system is probably as well conceived as any that could be designed under the conditions. In application it has undergone many changes from the original intent by the influence of Party Politics, and its details do not operate as smoothly as is desirable. It has worked, on the whole, satisfactorily, except in the peculiar circumstances attending the Hayes-Tilden election of 1876; but in that unfortunate controversy the trouble was due **not** to any theoretical fault in the system but to the "irregular" and turbulent conditions which prevailed in the three Southern States in dispute.

A direct and "personal" popular vote for President and vice-President is, therefore, impossible in the present state of the law. It would require, to establish it, a Constitutioal Amendment creating direct **National Suffrage**, and a more complete Federal election law and machinery, than the merely supervisary one now existing. When we consider the vastness of such an organization to cover the entire country, and all the difficulties of its honest control we have reason to be well satisfied with the practical "Presidential Electors" plan provided by the Constitution. This Institution will share in all the benefits to flow from the raising of the standard of the Electorate and, thereby, of all officials. And it is reasonable to assume that further experience will devlop remedies for its minor defects and make the system entirely satisfactory.

The other two questions advocated since many years are the term of service, and re-eligibility in direct succession; they are really **one** issue and will be here so treated. Reference should be had by the reader to all

that has been said in preceding chapters on the defects of the short-term tenure of office in all public positions; for, this is both the practical and the ethical foundation of this queestion.

The four-year term of office is a target of criticism at every recurring election. It is assailed, in the first place, on its own ground of insufficiency of duration to enable the incumbent to master the ever-increasing complexity of the National Government, and to impress upon his administration his personal and his party's success. It is assailed, in the second place, because, by established precedent, and in the absence of any definite contrary declaration in the Constitution, the President is held to be re-eligible to office for a second term of four years, following immediately a term expired. It is not the re-eligibility in itself that is objectionable, nor the eight-year term of office which is sanctioned thereby, but the undesirable political situation that is created by this practice.

The great increase of our population since the Civil War, the corresponding industrial and commercial growth and the enlarged domestic and foreign political interests make it apparent to what an extent the Presidential duties of to-day have augmented over former years. But even in the past, the shortness of the four-year term made itself manifest, from Washington to McKinley, in the many instances of Presidents re-elected to a second term in order to retain the services of a man who had proven his worth, or to secure the continuation of his and his party's policy towards legislative results. To this political factor, has come this other one of the enormously increased amount and variety of the President's duties. When

we join to his innumerable executive and appointive functions the obligation to familiarize himself with all the working details of the many governmental departments, so as to be able to inaugurate or approve changes of policy or methods, and add thereto his chief work of directing the general political interests of the country, it is seen at once that four years are **insufficient**, for the most able man that might be elected, to obtain a thorough grasp and arrive at a full control of this stupendous task.

This situation is, however, made still more difficult and taxing by the prospect of the re-election for a second continuous term, adding to the above all the **extra calls** upon time and effort involved in this pursuit of office. This applies not only to the President himself but equally to his party supporters in Congress and at large; and the effect is to greatly check the active work of Congress in the third year of the term which, instead, is largely devoted to **re-election politics.** The effect of this is to induce an era of scheming and political "pernicious activity" for place in the Civil Service which, under the substantial remnant of the "spoils-system" that still obtains, is closely bound up with the fate of an administration. The influence thus exerted is corrupting and disorganizing; it means uncertainty, indifference, laxity, venal promises and bribery. These detrimental circumstances are so well known that it is not necessary to dwell upon them further.

This general turmoil and excitement in the last year of an administration we do not escape entirely whether the incumbent President be a candidate for re-election or not. We have just passed through

such a "third year" of agitation for selecting the Presidential standard bearers. The political news of the day was absorbed by this battle; it occupied the newspapers, magazines and public speakers for almost a year. All party effort was directed towards that one object. It dominated Congress to the exclusion of necessary legislation.

It is inevitable that all this should have its **reflex** in the business activities of the people, producing a similar condition of expectancy and doubt, of uncertainty about fiscal policy, pending laws and affairs in general. It affects enterprise, reduces investments and improvements, curtails production and employment; so that the year of a Presidential election is proverbially a **bad year** in business. The general feeling is, in consequence, that if these results are **inseparable** from this event, it would be bad enough to have them recur every six or seven years only instead of every four years.

It is very probable that no such unsettling influences would attend a change of administration if we elected our President by vote of the Congress assembled in joint-conclave, as is done in France; but that plan would involve **far-reaching** changes in other directions that are not desirable. Above all it would alter that pervading and truly popular representative character of the Presidency as now existent, which is such a salutary feature of Our Republic.

From the preceding arguments it should be evident that the whole principle of re-eligibility at the end of a four-year term must be condemned for the demoralization it exerts upon the hold-over administration. If the term of office were longer, this effect would

not be lessened much; it would only recur less frequently. And, since the four years of office are plainly not sufficient for an administration to **assert** and **prove** itself, the conclusion has taken firm root that the term of the Presidency should be **lengthened**, and re-eligibility in direct succession discontinued **altogether.** This change would, naturally, affect all appointive offices in the gift of the President, so that the entire administration would gain in stability and authority.

As to the **length** of the term, all periods **from four to ten** years have been advocated, many men of information and experience favoring **seven** years, the same as in France. The Author believes, however, that a term of **even** years has the great advantage of falling into line with the Congressional changes, which run in two-year intervals, and that **concurrent** changes in administration are, on general principles, preferable to **separated** ones, not to mention the disturbing effect of the extra and separate Presidential elections which would be necessitated, from time to time, by a term of uneven years.

We have, therefore, the choice of a six, eight or ten year term, the last being the longest so far proposed. The writer strongly favors the **six-year** term. He believes that, with non-eligibility in direct succession, it will furnish a term, practically, **three years longer** than the present four-year term with, re-eligibility disturbing the last year. Six unbroken years of concentrated effort of a President and his party make a respectable stretch of time in which something solid and permanent can be accomplished, a definite policy carried to fruition. The bane of **divided responsibility** for measures carried over from one ad-

ministration to another would be largely eliminated. It would give a President and all his Department officials ample time to thoroughly master the details of the public service and gain the experience necessary to inaugurate desirable improvements. A President could vacate his office after a six-year term without feeling that he and his supporting party had lacked the time and opportunity to show their personal mettle and the merits of their political principles.

The ten-year term has but few advocates, and is open to the objection, which in a less degree applies to the eight-year term, that its duration is dangerously long, in case of great public dissatisfaction with an administration on account of its acts, or in case of a distinct change of feeling on some important public questions. In such a situation the remedy of change by a new election, which is the only one available, is too far removed, in length of time, to allow the popular will to express itself with the desirable promptness.

Such a state of dissatisfaction could, certainly, find expression in the two-year intervals in the House of Representatives and, in a more limited way, in the Senate also. It could in this way obtain Congressional expression, even to the point of creating a minority of the administration-party and a majority of the opposition; but, beyond blocking or harassing legislation, it could not compel the **voluntary retirement** of the administration. The differences of opinion here considered are, of course, not such as would be matters subject to the impeachment powers of Congress.

This contingency of a possible serious difference of

opinion between the majority of the People and an Administration reveals a point in which our government is not nearly so sensitive a **barometer** of public opinion as that of England; for, in that country, where there is no fixed term of office of either the Ministry or the House of Commons, a decided change of public opinion expressed in Parliament through the by-elections quickly leads to new elections and, generally, a change of Party-government, in harmony with the feeling in the country.

The **six-year-term** is considerably less open to the above objection of reduced control of the government by the People; and, being the nearest desirable period to the four-year term, is also the one to secure **popular approval** more readily from all those who are now opposed to any change whatever, and who will have to be **won over** to the new idea by persuasion.

What the private position of a retired President should be, and also the question of a pension, have been argued in a previous chapter. That an ex-President should be re-eligible at any other time not in direct succession of himself is quite a matter-of-course.

In regard to the age-qualification for the Presidency, now fixed by the Constitution at 35 years the Author has already expressed the opinion that age-qualification in general for all our higher officials, should be raised. The reasons for this can be easily inferred from this and preceding articles. For the Presidency of the United States a man is required of such mature judgment in general affairs, extensive

political experience, and practical acquaintance with the characteristics and needs of all parts of the country, that the age of 35 years is not sufficient to furnish this extensive equipment. In these active times of ours, with all their manifold demands and offerings, a man of 35 is considered to be still a **young** man, i. e. one not having reached the full height of powers and experience. The writer believes that an age-standard of 45 years for the President would not be too high a mark to set for this most exacting one of all the executive positions in the world.

II.—THE UNITED STATES SENATOR AND CONGRESSMAN.

GOVERNORS AND OTHER STATE OFFICERS.—THE TERMS OF OFFICE.—AGE-QUALIFICATION.—RE-ELIGIBILITY AND MANNER OF ELECTION.

The U. S. Senatorship is one of the most important and influential positions in the Republic. The Senate is the Legislative body which, from its constitution and manner of election, is justly assumed to contain the **conservative wisdom** of the Nation; prudence, experience, caution and great sense of responsibility are expected from it. The Senate is **not** to reflect too prominently the changing sentiments of the people; that quality, which is also desirable in a "Government by the People," is reserved more particularly for the House of Representatives and the Presidency. Thus, the two bodies of Congress balance and complement

each other in the political character assigned to each by the Constitution, and also in the division of their legislative duties. This general complexion and relationship is brought about by the plan of their election. The U. S. Congressman or, more correctly, Representative, is elected **directly** by the popular vote of each State for the short term of two years, and of a number in definite proportion to the voting population of a State. The basis is such that even a young State obtains a fair **absolute** numerical representation in the House. The U. S. Senate, on the other hand, is fixed by the Constitution to an equal representation of **two** members from each state, whether large or small; and the Senators are chosen by the **Legislature** of each State, instead of by the People, and for a term of six years, in relays of two-yearly renewals of one-third of the total number of Senators.

This entire legislative plan of the Constitution was a subject of acute contention at the time of its framing, due to the strong feeling for State Independence and for "equality" of representation of each State in the Federal Government. Guided by history and their own experience as a self-governing people, the aim was to frame a National Legislature that should as much as possible **check itself**, be its own regulating pendulum. Nearly all representative Assemblies, ancient and modern, show the feature of two Bodies of different character, one as the **direct** choice and expression of the People, elected for short terms so as the readier to represent changes of public opinion, and drawn generally from the younger political men of the country; the other representing the People **indirectly**, and appointed either by a higher elective officer, a President or Gov-

ernor, or chosen by the secondary assembly that is itself **elected,** as above described.

In this way the second body becomes the choice of agents of maturer judgment and experience, who would naturally tend to the selection of men of some years, settled character and opinions, to secure reliability and public confidence. These considerations, logically, carry with them a **longer term** of service than that in the "popular body," to establish a fairly continuous operation of these benefits.

Such ideas and measures are directly founded in the every-day experience of men with each other; in the knowledge of their own weaknesses, passions, vanities and of the necessity of erecting safe-guards and checks against their own failings: much like the evolution of the general ethical code of human intercourse from the lessons of life. That there is wisdom in this process, if there is any anywhere at all, cannot be gainsaid. It combines enthusiasm, flexibility and direct popular inspiration with caution, permanence and tried judgment. The plan of the U. S. Congress embodied these general lines, and combined therewith the great principle of **equal representation** for all States in the Senate, making them like a **family of sisters** in which all are entitled to equal recognition and interest in the common estate, honor and prestige of their House, no matter how much they might vary in age, abilities or physical characteristics.

The preceding ideas appear to the Author to establish the correct relationship between the two divisions of the U. S. Congress; they express and emphasize the very essence of the Federal Union. In the policies affecting **all the people**, be they domestic or for-

eign, all the States should, undoubtedly, have an equal voice, irrespective of size, population or other conditions. The principle of equal "sovereignty" inherent in each State compels this view absolutely. The State of Oklahoma should have as much right and power as Pennsylvania to assert its sentiment on those important questions of internal and foreign relations which are more particularly the province of the Senate. In the House of Representatives the inferior numerical representation of a small State is justified by the smaller local population and the more limited interests thereof; it is, moreover, **equitable**, being in the same proportion, in all the States, to the total number of their voters.

The above considerations should not only dispose of all ideas of "proportionate" and, therefore, **unequal** representation in the Senate, but also of the proposal of their direct election by the People, which has of late been agitated anew and now made a Plank in the Democratic Platform of the coming Presidential campaign. To make the number of Senators from each State dependent, in some definite proportion, on the number of voters, and to have them elected by popular vote, would simply be an **extension of the House of Representatives** in a slightly modified form as to age limit and length of term; all the other valuable and necessary characteristics of the Senate would be destroyed by this process. Or, to have half the plan of one idea and half of the other, i. e., an **equal** number elected by the People, or a **proportionate** number chosen by the Legislatures, would in either case destroy at least **one** of the cardinal attributes of the Senate as now constituted. One or the other or both of

the excellent and tried features of the present system would be forfeited by departure from it.

What are the advantages claimed for any of these propositions? It is urged against the election of Senators by the State Legislatures that they are in that way more liable to be the candidates and representatives of powerful **private interests**, as opposed to the interests of the People. It is claimed that these interests can, by purchase, make their influence felt among the members of a Legislature, but **not** among the general body of voters. It is, further, asserted that these interests have such great advantages at stake in securing "pledged" influence in the Senate, that no considerations of patriotism or public rights and welfare would restrain them from plotting such nefarious manipulations.

There is undeniable truth in this argument, as attested by ample public facts. But the writer believes that "corrupt influences" like the above will always **find a way** to secure their pitiable tools in Senate and House, no matter what the system of election that might be devised. For such evils of representative government, resting on popular favor, there is only one cure, or restriction to the humanly possible minimum, i. e., the raising of the intelligence and sense of responsibilitiy of **the Electorate**, and the resultant raising of the standard of all **elective** officials who, in turn, have the selection of **others** delegated to them, i. e., The Congress, President, Governors, Legislatures.

To attempt reform in this and all similar questions in any other more direct and arbitrary manner would in most cases invite **loss and failure** in other directions, far greater than the gain would be. **even** if the theory

would prove itself in practiec. It does not seem reasonable to destroy what is **good in principle** and, in the main, supported by actual experience, merely because of unavoidable human frailties which bring abuses and prevent a full realization of a beneficent plan. The better way would seem to be to leave the good principles untouched and, rather, to improve the **human factor** in its application. We should not throw away a valuable tool simply because we have not yet acquired sufficient control over its possibilities for doing good work.

The other, incident, advantage of a popular vote for U. S. Senators, that of securing thereby direct expression of public opinion, has already been considered and **rejected** as being unnecessary since The House of Representatives now fulfills that function in ample numbers from each State. In spite of these considerations, the clamor for "popular" influence in the choice of U. S. Senators has grown to such an extent, in a number of the Western States, that **indirect means** have been devised to secure this expression of the popular wish, in distinct violation of the intent of the Constitution as to the relative character of the Senator and the Representative in our plan of government. The process adopted is to pass a State law for "direct nomination" of U. S. Senators, and to vote thereon at the State elections, thus expressing the majority choice of the people. The State Legislature still exercises the function of **electing** the U. S. Senators, but the popular wish as expressed at the polls **dictates their choice almost categorically.** The result is objectionable, as pointed out above, and the method is a clandestine circumvention of the Supreme Law of the land. Nothing need be added in condemnation of this scheme.

The argument advanced against equal representation in the Senate from each State is based on the contention of the more developed States that their greater numbers, wealth and Federal taxation-tribute should entitle them to a larger voice in the Senate than that of the States **inferior** to them in these respects. The argument is as old as the Republic. It was successfully combatted in the Constitutional Congress; it lacks breadth of Statesmanship and perception of the true idea of Federal union. The author believes it has been amply answered, in its most essential points, in the course of this article, and that a more detailed dissection of the question is unnecessary.

As to the re-eligibility, in direct succession, of U. S. Senators and Representatives there can be no valid objection to it. The arguments made against this practice in the case of the Presidency and Governors of States apply only in a very attenuated degree to these positions. Also, such a rule would send many a valuable man permanently back to private life and discourage the ambition for a political career. This would tend to rob the United States of the creation of a trained body of Public men, which could not be other than a detriment to the interests of the country. In political life, as in other lines, **practical experience** is a valuable partner with ability, honesty and devotion in producing the best equipment and services.

The Constitutions of State governments, as to terms of office and manner of election of the principle officers, vary so greatly that it is not practical to make a

detailed argument to cover all cases. The writer will confine himself to the re-iteration of the general opinions previously expressed on these matters. Concerning the Governorship the same arguments apply as those made in the case of the Presidency. The term of all Governors should not be less than **six years**, and re-eligibility in direct succession made impossible. It is also very desirabe to establish uniformity in this term in the different States. In the case of these officials of two and three and four-year terms of office there is special reason for lengthening the present period in the fact that the State, in itself and in its relation to the large cities, is either the direct party in interest or the sponsor and trustee of large public undertakings, such as canals, roads, bridges, railroads, trolley-lines, buildings, water-supply and sewerage systems, etc. The beginning and completion of such works is now distributed over too many separate, short terms of office, making it impossible to place either credit for success or blame for failure where they justly belong.

In the present term of Governor Charles E. Hughes of New York we have an eloquent illustration of the pernicious results of the short-term system, and also of direct re-eligibility. For, scarcely had this excellent man become **well settled** down to the difficult duties of his office, than a Presidential agitation was started in his favor which, no matter how well warranted it may have been from other points of view, was bound to tax his time and attention severely and to distract his mind from the daily work of Governor of the State of New York. This Presidential boom went the way of others, only to be followed by the present

agitation for his re-election as Governor, with like pernicious effects.

The flippant and superficial spirit of our office-holding system is well illustrated by this case. It would probably be going beyond the reasonabe to say that a successful Governor of a State should be precluded becoming a Presidential candidate while still in office. But this privilege should **most positively** be restricted to the last year of the term; and, if it then presented itself towards the end of a **six-year** service, the conditions would be so entirely different and less harmful as to make the proposition unobjectionable.

The terms of State Senators and Representatives, called Assemblymen in some States, might with advantage be made the same as those of the National Congress, respectively **six years** and **two years**, in single terms with direct re-eligibility. For these offices, also, uniformity in the several States is very desirable and worth striving for while a general change is being made. All the remarks made in relation to the direct re-eligibility of U. S. Senators, and Representatives, apply with equal reason to these corresponding State officers.

For all these high Federal and State officials an advance in the age-qualification is as necessary as for the Presidential office, and for the identical reasons. These need not be repeated at length. Suffice it to say that the vastly increased amount of work required from the public man of the day, the extensive preparation necessary for the career, the strenuous character of the life with its exacting calls upon the mental and physical

energies all make this change a necessity in the interest of every one concerned. The age-qualification which was satisfactory in other times is proving inadequate to-day.

The Author, therefore, advocates that the age of qualifications for U. S. Senator, now placed at 30 years shall be raised to 35 years; that of Representatives in Congress, now placed at 25 years to 30 years; and that the age-qualification of State Governors, Senators and Assemblymen, which all vary to some extent in the different States, shall severally be raised at least five years above the present rule. It is very desirable in making this change to strive for uniformity of requirement throughout the Union. As a suggestion the age for Governors might very well be set at 40 years, that of State Senators at 35 years, and that of Assemblyman at 30 years, making the latter offices identical with the corresponding Federal ones. The beneficial effect of these changes, in connection with the reform of the Franchise, **would be incalculable** for the future of the country.

As to the **State Judiciary** the Author firmly believes it would gain in respect, influence and usefulness if the Judges of the Supreme Courts and Appellate Courts were made **appointive** for life, on the same grounds and plan as those of the U. S. Supreme Courts and Circuit Courts. The Judges of the lower State Courts might with propriety be **appointive** for periods of two Governor's terms, i. e., **twelve years**, with right to re-appointment in direct succession. The change in this respect, in some of the older states, from appointive to **elective**

positions has not been a public benefit from any point of view; it has been a purely **political** maneuvre, engrafted upon that part of the public service that should be the **least** political and the most independent, secure and non-partisan. The Bench can only **lose** in being dragged into the net-work of party-politics, passions and strife; it can only **gain** in authority and dignity by being as far as possible removed from their influence.

In conclusion the reader is referred back to all that has been said in the chapter on "Authority and Dignity in Government," and to any other parts of the book bearing on the principle of respect for the Law and dignity for its Judges; likewise to these topics in reference to other public officials. He is also referred to previous remarks made on the short-term system; the resigning of high positions to return to the ranks of the Law or Business; the spectacle of Judges of the Bench entering the political arena in a struggle for office. All these glaring political **improprieties** we must expunge without mercy, as being exhibitions of immature civic and social conditions. Our aim must be to reach more settled and conservative practices; to infuse a deeper sense of **importance** and **responsibility** into every act and phase connected with the administration of government.

III.—THE CORELATION OF THE THREE BRANCHES OF THE GOVERNMENT

PRESIDENTIAL POWERS AND INITIATIVE.—THE U. S. SUPREME COURT.—FEDERAL AND STATE JUDICIAL POWERS.—THE CIVIL SERVICE.—STATE RIGHTS VS. CENTRALIZATION.

The same sagacity which so successfully designed the Legislative Branch of the Government, and which created the unique system of executive power, added thereto the **Judicial Branch** to complete a trio of independent, yet closely related departments which is famous in the history of written Constitutions. While the general idea of this plan was not strictly new, and had, in an elementary form, existed in the Colonial Governments, it had never before been worked out to the precise, complete and peculiar plan in which it is incorporated in our Constitution. In many ways the Judicial Branch, i. e., The United States Supreme Court system, is the most original feature of this original combination; it has no exact prototype or parallel in any of the republican Constitutions which had preceded our own.

The U. S. Supreme Court was not to be the foundation or chief exponent of the Common Law, Civil or Criminal, for, that existed in the Codes and Courts of the Federal States. It was to be, in particular, the "High Court of the Federal Union" in all cases arising out of that Union and concerning the country **as a whole**, all as defined in detail in the Constitution. But, most important of all, this Court was to interpret

the meaning and determine the application of the **Constitution itself**, in the words of that instrument: "The Judicial power shall extend to all cases in law and equity arising under this Constitution."

This meant that the Supreme Court was to define in detail the relative functions and powers of the legislative and executive branches of the Government; of the States and the Federal Union in relation to each other; to decide the constitutionality of all subsequent amendments and laws enacted by the Congress or the State Legislatures, the rights of citizens, and all other matters that are included within its **written** and its **implied** scope. These powers were absolutely required to enable the country to be governed, and they had to be placed **somewhere**, but it was equally necessary to place them **independently** of the Legislative and Executive departments; it would have been illogical and dangerous to attach them to either of these branches. That course would have inevitably tended to produce **interested** interpretation, conflict, usurpation and destruction of the entire plan of Government.

The above powers were absolutely required because, from the nature of the case and the general situation at the time of its framing, the Constitution could only be one of **leading principles** and main features, not of details. To determine correctly the great principles on which the new Union was to be founded, was its difficult and main task, and also its shining success. To attempt to define its application to every case and contingency of politics and administration would not alone have made the instrument **too definite**, robbing it of its elasticity, but was also impractical from other reasons.

The whole plan had to be **general** and in a measure **tentative**, like the new Union was tentative and its future undetermined. None could tell what Constitutional questions of detail would arise, what unforeseen problems present themselves. Also, the contest over the main plan of the Constitution had been so severe, bordering at times closely upon entire failure of agreement, that any attempt to load it down with embarrassing **details** would have jeopardized its acceptance. The aim of the Federalist guiding spirits was to **get it right** in all its fundamental principles, and have it passed and accepted by the country.

In this aim they left a wide scope to the Legislative and Executive branches to fill out its framework, by their own authority, with all necessary details, and to enlarge its field by amendments and additions, as necessity would dictate. To the Supreme Court they assigned the function of defining its meaning in detail, and determine its application "in law and equity" to all specific questions that might arise; to pass on the constitutionality of the Amendments and all laws of a Federal bearing; particularly to establish clearly the **relationship, powers and duties** of all departments of the government. From this indeterminate latitude arose, right from the very beginning of its enactment, the two views of "wide" construction with "implied" meaning, and "close" construction with "literal" meaning, represented, respectively, by Hamilton and Jefferson. These opposing views became, largely, the foundation doctrines of the National parties, of the adherents of "centralization" vs. "State rights" policies, down to our own day.

In the prosecution of this plan of work a great num-

ber of "rulings" have been made by this Court which have illuminated every paragraph and aspect of the Constitution, as they were called in operation or drawn into doubt in the course of the political development of the country. The result has been a gradual, cautious and thoroughly practical amplification of the original Constitution, because accomplished in the solving of **actual problems** of politics, law and administration. This process has proven its intrinsic wisdom, constructive and conservative force.

This successful corelation of the three branches of our government must be maintained in strict integrity, in the future as in the past; it is the anchor to which the "Ship of State" is moored. While the Court thus **reviews** the enactments of the Congress and the Legislatures in the course of test suits that may be brought, there is for its own judgments no further tribunal of appeal or revision than the Court itself; beyond that its judgments are **final and binding.** The Supreme Court is, therefore, the ultimate and highest authority in the country. There must necessarily, in all governments, be an **end** to the "ladder of power" beyond which there is no relief, at which there must be **absolute** acquiescence and submission, otherwise there could be neither authority nor peace in the land.

The greatest danger to the disturbance of the successful co-relation of the powers can arise from an **over-bearing** Presidency, because of the liberal interpretation which can be given to its Initiative and Executive powers, and because they are exercised by a **single individual.** While the general scope of these powers is well circumscribed, the **degree of activity** with which they can be exercised, while technically re-

maining within the law, is somewhat undefined and allows of much latitude. In the matter of giving to Congress "from time to time information of the state of the Union," and recommending to their consideration "such measures as he shall judge necessary and expedient" the whole gamut of action, from a mere **suggestive** submitting of ideas about legislation to a categorical and aggressive personal **demand** can be run, with wide differences in the accompanying political effect.

The relation, therefore, which may exist between the Executive and the Congress is largely one of **personal** characteristics of the encumbent President. A mind of a judicial cast, not dominant in temperament, and disposed to a literal construction of the word "recommend" may become **negative** as an initiator of legislation, may even become a willing tool in the hands of a determined Congress, while one of the opposite disposition, keen, ambitious, resolute and a skilled politician can as easily become its **dictator** in these matters. Such a President would receive powerful aid in his course from the long line of public offices in his gift, many of which are independent of the concurrence of the Senate and could be used as a lever in support of his influence.

Undoubtedly, the correct line of tactful, yet properly **assertive** attitude of the Executive towards the Congress is difficult to draw, not easy to find. It is, and will remain, a matter of abilities, disposition and constitutional view-point. We have reason, however, to trust that no very serious embarrassments will ever result to the country from Presidential usurpation of influence over Congress, from the fact that the bringing

of **undue pressure** upon that body, systematically and continuously, is an undertaking with which only a **Hercules** in body and mind can grapple, and even such a a one cannot prosecute long. The Congress has become **too numerous** a body and of a too heterogeneous composition to be thus influenced overwhelmingly in both Houses and for any length of time. This possible evil, therefore, carries the remedy well within itself. Good judgment, patriotism and a genuine desire to accomplish the work for which they are called will, in most cases, dictate the finding of a **common ground** between the two contestants.

In regard to the great **extent** of the Presidential and Senatorial **appointive** power, some dissatisfaction manifests itself from time to time. It is held to be unwise in principle, especially in a republic, to place so much power in a single official absolutely, and in him and a favored part of the Congress conjointly. Experience, however, seems to have demonstrated that in the general administrative service, **election** of officials, either by the Congress, or by popular vote, would be impractical from the great number of these positions, and **undesirable** from the fact that it would separate authority and responsibility in respect of the official, to the detriment of the service. Since appointment is the better way, in theory and practice, the present system is the best that can be devised; and we must look to the extension and constant improvement of the **Civil Service plan** to cure or minimize the defects that are now associated with it.

A more serious fault is presented by the possible abuse of the appointive power by President and Senate in the interest of party-policy. There is no ques-

tion that "party-government" is the only practical way for representative institutions. The control of the party in power by a watchful, ambitious opposition is the best guaranty for avoiding extreme and unwise actions. And it is natural, even desirable, that the Party in Power shall strengthen itself by all legitimate means. But the ruthless removal of tried and capable officials, merely to give place to possibly inferior adherents of the Party in Power, is a bad practice. This question will be treated in detail further on. In regard to the Supreme Court political circumstances may arise under which it would be desirable, and also popular, to influence its judgments by filling vacancies with Judges favorable to a desired policy. Such action has been had in a limited way, and may be had again; but it can safely be said it will never become a **practice** to any apprehensive extent. A President and Senate would think more than twice before incurring **the odium** of a systematic policy of "packing" this Court. Also, the life-tenure of office makes it quite unlikely that a sufficient number of vacancies will occur just at the opportune moment for such a maneuvre, or that such an unfortunate conjunction is liable to occur often.

We see that, happily for the Republic, this Court is protected by ample safeguards to insure its independence and purity. Its rulings may, at times, have been in error—the Court is but human. At other times its wise and just decisions have been attacked by aggrieved sections of the people, even to the demand for its abolishment. Its **appointive** character and life-tenure have been assailed as being antagonistic to a quick responsiveness to popular sentiment. But how can that which is designed to be the **secure haven** of calm and

judicial deliberation, in midst of the turbulence of political passion and trancient public emotions, be at the same time made their **ready servant** and exponent? The proposition is a paradox, and must be emphatically rejected. This question will be treated in detail further on.

Short of **revolution** there must be one unimpeachable expressed authority in every government, the pinnacle of its structure, to which all must bow from a spirit of pure loyalty and political self-preservation. That **rock of strength** in our republic is the United States Supreme Court.

In the political **opportunities** connected with the extensive office-patronage in the gift of the President and Senate, we arrive at a genuine and deep-seated evil which calls for reform. This system of patronage in connection with party-rule, the "spoils system" of office-holding for political reward, was never intended by the Constitution. It grew up, in the course of time, as the "prize" of politics, making thereof, with too many, a selfish and demoralizing trade. So great were the abuses, scandals and corruption which developed under this scheme of party-patronage that public decency finally demanded the establishment of the **Civil Service Rules** of appointment. Reference has been made to this subject in a previous chapter. Much improvement has come with this reform, but its application is still too **limited.** It should be extended to all higher positions in the direct gift of the President, now outside its pale, and also include most of those offices now dependent on confirmation by the Senate.

Excepting Cabinet Ministers, Ambassadors, Special Commissioners and similar purely **political** offices that are a part of an administration's general policy, and excepting Judges (whose competence in the Civil Service sense cannot be questioned), all other exclusively **administrative offices**, should be made appointive under Civil Service rules of qualification and guaranties. Party influence and dependence should be entirely eliminated from the permanent staff of the public service. Exception, in regard to the length of term, may with benefit be made in the case of the higher officials mentioned above, now appointed by the President and Senate and not under Civil Service Rules. Their terms should be made **definite** and, to avoid the political factor as much as possible, to extend over a period of two administrations, as herein proposed, i. e., for **twelve years**, with right of direct succession, if re-appointed.

But in all these cases Civil Service qualifications, as to ability, age and fitness, must be made a condition of appointment. The reason for the proposed exception is that these higher offices carry with them a fair salary out of which a **competence** may be saved by the incumbent during such a period of years. This system would have the advantage of introducing a certain desirable mobility into this section of the government service, but dissociated from injustice, and fairly free from political machinations.

Such a complete extension of the Civil Service system is becoming an absolute **necessity** when we contemplate the rapid growth of the country, the multitude of employees concerned, the ever-widening sphere of duties of the administration. The benefits that will

flow from its establishment, joined to the other reforms outlined in this book, would be so far-reaching as to **discountenance** the doubters of the republic and the socially discontented. These, in the absence of any sign of comprehensive plans for change of **that which is defective** and for amelioration of that **which is oppressive**, are fast drifting towards ideas of **much more radical** import. The degree to which the evils of adminsitration in Federal, State and City affairs are responsible for this trend is generally underestimated by our public men.

Reference has been made in preceeding articles to the subject of present **centralization** tendencies and to questions of **Judicial practice**, resulting from the purpose of the present administration to punish offenders and restore honesty of business methods. The topic of "State Rights" is also, prominently before the public in connection with the recent legislation on railroads and "Trusts"; and, in consequence, clashes of judicial authority have occured in several States. This whole question being one of very deep concern it will be well to go back to first principles in its consideration. It has its origin in the construction to be given by the Supreme Court to the clause of the Constitution which assigns to the Federal Congress the right and duty to regulate **commerce** "among the several States." It is an exceedingly **indefinite** clause in its original form, and was for many years inoperative for lack of Congress passing any specific laws to make it effective. The States, meantime, made such interstate regulations as were required on their own authority.

Subsequent Laws by Congress on the subject and their construction by the Supreme Court have now established clearly this clause to mean effective Federal **regulation** and **control** of commerce in its definite and indispensible means of being "carried on" between or among the States, in other words of all common carriers, i. e., railroads, steamboat lines, canals, express companies, etc., operating over two or more States. This means, more definitely, the general supervision of these agents from the point of view of service, i. e., security, reliability, speed, convenience of transportation, and responsibility for accident and loss. No other meaning could have been evolved by the reasoning powers of man; if the order of the Constitution did not mean that, there was nothing else left for it to mean. It could not have meant the **price** of goods, or the details of manufacture and sale; for, these do not constitute the **essential** of Commerce. Commerce is **exchange** depending on shipment and transit of merchandise and people from point to point, and that means the agents which have been named in their interstate functions.

But, does the wording of the clause "to regulate" mean the **making of rates** for the carrying of passengers and freight? This is the "practical" aspect of the subject which causes so much contention at the present moment. The railroads themselves have largely brought about the series of Federal Court decisions which make up the law on the subject to-day, in their efforts to obtain protection and uniformity against the many contradictory State regulations which had been enacted in the absence of Federal rulings.

The principle of National regulation of the **means**

of interstate commerce has gradually become recognized as not only indisputable in its Constitutional foundation, but equitable and sound in common sense, in the peculiar political subdivision of our country, and as beneficial to the people and the carriers themselves. The steady growth in the volume of business and the number and power of the carriers and, concurrently therewith, of a **long list of abuses** and high-handed practices, led to the establishment of the Inter-State Commerce Commission of 1887, as a regular department of the government to give complete effect to these conditions.

The "burning questions" in connection with the matter are: To what extent have State Rights been invaded, or, to what extent must they be respected in the application of this policy? Does this policy involve a dangerous tendency towards National centralization; can the federal government regulate the **cost** of transportation, **make rates,** in view of the fact that the carriers are operated under, and derive all their rights from, **State Charters?** The latter question is really the **crux** of the problem, and has led the President and other extreme **regulators** to the proposal of **Federal incorporation.**

With this idea the whole subject obtains a new perspective; it brings the **State Rights** aspect to the front. For, the incorporating or chartering of a railroad or similar transportation enterprise rests primarily upon **territorial rights** and authority, and these belong unquestionably and exclusively to the States within their own borders. The right of invasion or assumption of this territorial sovereignty by the Federal government does not now exist, except for its own

needs and public purposes, and in respect of the National Domain. It can never be acquired or conveyed to it in a larger sense, by any law or Constitutional amendment. National incorporation would, therefore, be an **empty formality** that could carry no substantial powers not now possessed by the Interstate Commerce Commission.

In granting the empowering charters to Public Carriers the State also enacts all prescriptions for construction and administration that are required by the public interests and welfare. And, certainly only **that** authority, which can grant to these enterprises the essentials for their existence, can assume the right to determine and prescribe the **cost** or **rates** of the service to be rendered. The Author doubts, with many others, whether it is legal, even for the State, to do this, unless it is distinctly so agreed in the original grant.

This whole matter of railroad rates, administration, etc., is a **business question** and must be so treated. Unless a railroad is not only designed and organized, but administered, exploited and **run** by a State or the Nation for the benefit of the people, it is unquestionably a **private business**, but one which has certain public obligations in return for the privileges received.

It is the violation of these obligations that has set the public and the authorities against these properties. They have been guilty of gross abuses in their **financial management**, over-capitalization, fraudulent mergers, and traffic combinations in restraint of free competition, of stock-gambling; of discrimination by **rebates** and other favors, indifference to just complaint of poor service, of high-handed practices, especially in the

handling of freight, etc. All these matters could not fail to produce a spirit of enmity, a sentiment of **distrust** and **injury** on the part of the public towards the whole interest.

But these charges do not lie against all the roads, nor do all of them apply against any single line; they have been "generalized" too much; and the innocent have been made to suffer odium with the guilty. But the claim that the railroads and all other common carriers have a **public** and **National** character, are a necessity to the people and the country, and must be "run" with a due regard to this position, must be fully allowed.

What, then, is reasonable regulation, and how is it to be divided between State and Nation? Its character and limitations have been previously indicated, and they are **the same** for State and Nation; they comprise all proper public obligations and duties on the part of the carriers that are not in opposition to their **private business** rights, as owners of the properties. And, as to the **relative** position of State and Nation in the exercise of their control, the State must be supreme **within** its boundaries, supreme as to its own charter interests and State railroad regulations, the Nation in the **interstate** problems of the case, in mergers and traffic regulations between roads running through different States, in matters of safety-appliances and accidents and in the interstate reorganization of stock and bond issues, etc. Federal authority must find a way to work in harmony with State regulations, but may supplement these in all public matters in which they may be deficient. The details of this division of authority are by no means easy of solution in a busi-

ness so full of detail; still less are they insurmountable, once the right principle of action has been found.

If, on the other hand, we are prepared to maintain that railroads are entirely a **public business,** State or National or both, and to assume their direction and control in all but the **practical work** thereof, taking away from their real owners all actual power, incentive and business interest, we shall speedily be compelled to make them a public business in **fact,** by making them "public property," which can mean nothing else but **Government ownership.** This is the rock ahead of which we must aim to steer clear by wise and conservative action at this time. While firmly striving for all needed correction and improvements, we must resolutely avoid every dangerous paternal and **state-social** scheme of public administration. We are not ready for these; and in the great extent and the peculiar political character of our country there is special ground against them at all times. The mind is fairly staggered at the thought of Government ownership and management of railroads in this immense territory, and at the **political** aspect of such a step. The undertaking would prove a physical impossibility, would most likely bankrupt the Nation, and involve us in commercial and general disaster.

The extensive and difficult work devolving upon the Interstate Commerce Commission and the Railroad and Public Service Commissions of the States, in the solution of the problems arising out of this vast subject, and, also, of the Bureau of Corporations of the Federal Department of Commerce, charged with the

application of the Sherman Anti-Trust Law, makes it an obligation of the highest order that the men selected for these positions be of **superior** qualifications and personal character. It is a work of years; of accumulation and tabulation of facts and figures, of acquisition of practical insight into the details of railroad and other corporation business, before the **full influence** for good of these bodies can be realized. Meantime much tentative and imperfect work will probably be done which accumulating experience will have to correct. The ultimate value of the work will proceed from its **steady** and **faithful** continuance, undaunted by these temporary failures.

The power vested in the Interstate Commerce Commission is very great, and at present involves some danger from its being mostly "discretionary," as pointed out by President Woodrow Wilson, of Princeton University. This means that its enactments are fallible, uncertain, liable to bias, influence, change. They should as speedily as possible be converted into definite laws for administration by the Courts.

Questions of States' Rights and relative authority of Federal and State Courts have also arisen, in connection with "Trusts" and other large corporations coming under the application of the Sherman Anti-Trust Law. It is plain that the authority and dignity of the Courts positively demands that their **relative** jurisdiction in all these matters be promptly and definitely determined, in order to prevent, in the future, the unseemly "clashes" which have occurred.

The subject of INJUNCTIONS is, likewise, one of much contention at the present time in its application to Labor problems, so much so that the National Parties

have been compelled to declare their position in reference to it in their election platforms. The Law and practice thereon should be clear and indisputable. While the value of the right of Injunction is unquestionable, and the practice of it must be maintained, some amendments increasing its equitable operation for both sides of a controversy seem to be required. The extreme demands of Labor on this matter are absolutely untenable.

The general tendency towards increasing the Federal power, **Centralization**, at the expense of State authority, on the plea of greater effectiveness and uniformity of administration, should be emphatically combatted. The States' Rights issue is too **fundamentally important** to the further healthful development of the Republic to be sacrificed to any other considerations whatever. A way of effectiveness and harmony, in combined State and Federal administration on the "strict" Constitutional plan, must be found to overcome minor difficulties, for the sake of that which is the most essential. The watch-word must forever be: A Union of sovereign and independent States! Truly, "In Union there is Strength;" but to materialize that grand sentiment the Union must never become one of **subjection** to a too powerful Central Government that would in time reduce the States to mere "Administrative provinces" of a **Republican Empire.**

Apart from the principle involved, we must ever be conscious of the great increase in population to be expected, which may reach to one hundred and fifty millions of inhabitants by the middle of this century, creating a situation which would greatly complicate the practical difficulties and dangers of a centralized

system of government. And glancing further into the future, the conception of the United States, populated in like density as the European countries reaching an aggregate of 350 millions of inhabitants, and administered on a **Centralized plan**, is simply stupendous as a political thought; one realizes instinctively its entire impracticability. The steps we take **now**, therefore, are not merely important for the present, but even more so for the **future**. Our safety lies in the strictest autonomy of State government compatible with that reasonable degree of centralization which modern conditions have made unavoidable.

IV.—UNIVERSAL SUFFRAGE

WHITE NATIVE AND ALIEN FRANCHISE.—COLORED RACES FRANCHISE, NATIVE AND ALIEN.—WOMAN SUFFRAGE, NATIVE AND ALIEN, WHITE AND COLORED.—IMMIGRATION.—MODERN TENDENCIES

The views of the Author on suffrage in general, its present character and shortcomings and controlling importance as the **source of all political power**, have been expressed at several points. The Article on "Liberty, Equality, etc," covers the philosophical side of the question, while other chapters give practical illustrations of the defective working of the Franchise.

As a general conclusion from what has preceded the fact is indisputable that there is a **direct proportion** between the quality of the electorate and that of

the government. The higher the intelligence and character of the voter, the higher the capacity and standing of the chosen officials, the higher the whole plane of public life. The **proper qualifications** of the voter must, therefore, be our chief inquiry and concern.

In the chapters dealing with the early days of the Republic we called attention to the well-nigh perfect quality of the citizenship of those days. The preparation had been ample, the conditions were comparatively simple. Men were "early called from school to rugged life," most of them as free sons of the soil, and became trained to independence of judgment and action, so that at the legal age of twenty-one they were **men**, and trustworthy of the vote.

These conditions gradually changed; the introduction of machinery developed the towns and cities and steadily brought about the modern industrial and social situation, with its great shops, factories and sales establishments, the confined and unsteady conditions of living, etc. These ways of work and existence are physically and intellectually enslaving to men and women by long hours of unremitting application, narowing their views and interests, dwarfing their sympathies and lowering their horizon of life. To this came a great wave of immigration which affected the race development, influenced habits, ideas and political conceptions of the people. And since the Civil War the country's progress in all directions has been by leaps and bounds, accompanied by transformations in popular character, views and customs of life, political conceptions and practices that are simply **astounding**, and almost beyond the power of the mind to picture as an accomplished fact.

We are in every way an entirely changed people. The work of the government in Nation, State and City, and the magnitude and intricacy of political questions have now grown to such proportions that the subject is **fast escaping** the grasp and control of the ordinary man. In consequence a certain political indifference, of **helplessness**, is settling upon the mass of the people, assisted by the feeling that our present political status is an **accomplished fact** that cannot be easily changed, and that the government will, in a manner, run by itself. We not only feel secure in our position of material and political success, but have entirely lost the conscious recollection and appreciation of what our Fathers fought for and achieved.

The study and progress of the fine arts, literature, sciences, education, invention; the great diversity of occupations; the seductions of modern life and wealth to enjoyment, travel, ease and luxury of existence all tend to **distract** us and bring about a **lessening** of political interest. We are in the midst of a tremendous whirlpool of seething, foaming, rushing life which is producing a sum-total of material, work and interests that is threatening to engulf us; it is rapidly **outstripping** the capacity of the ordinary human mind for absorption. We can with difficulty scarcely **survey**, much less **control** this vast field of activities, and as a result we suffer, to-day, on the one hand from a pitiable **superficiality**, on the other from a one-sided **specialization** of knowledge and pursuits.

From these considerations it is plain that the position of the voter of to-day is one of far greater difficulties than formerly, his task of comprehension and responsibilities are immeasurably increased. Also, it has been

observed that the young men and women of to-day remain "boys and girls" much longer than formerly; they are at school to a much later age; they show a lack of seriousness of thought and of interest in matters of import, in short, a **tardiness** of reaching intellectual and moral **majority.** This now lies several years beyond the long-established age of twenty-one years. Thus we have the incontrovertible fact of increased difficulties joined to decreased capacity; so that the conclusion is irresistible that we must advance the age of poliical maturity for men to at least **twenty-four years,** to secure the qualities necessary, as advocated by the writer in the article above referred to. The advancing of the age of citizenship would, of course, not permanently reduce the number of voters; it would do so only for a "gap" of three years after its first inauguration.

That the combined conditions enumerated demand of the voter not only a good standard of **general** education and moral character, but also a proper equipment of **political information,** no intelligent man would question. This complete politico-educational plan is described in detail in the article on Liberty, Equality, etc., to which the reader is referred, and which it would be well to read again at this juncture. These standards are a **positive necessity**; the correction of every abuse and defect which has been mentioned in the course of the book depends on them. Only in company with them can the reform of the terms of office, and all other measures advocated for bringing about honest and conscientious administration, become truly effective. Parallel with the establishment of these uniform standards of citizenship the Author has recommended

the abolishing of all other disabilities of **race, color, property and sex,** in the conviction that all such distinctions are degrading to the principles of humanity and government which we profess. A few words of further elucidation are required on this extensive proposition.

Beginning with the problem of human races we can consider the relative position of the white or Caucasian race as not in dispute. The **colored races** of the Ethiopian, Mongolian and Malayan families are generally considered inferior in intellectual and physical quaities to the Caucasian race; they occupy a lower scale of civilization and attainments. But a great spirit of progress has seized the principal peoples of these races, i. e., the Japanese and Chinese; they are showing themselves possessed of awakening forces of advance that are preparing great results, as a whole, and have already produced individuals, in large numbers, equal to ourselves in intellectuality and resourcefulness, knowledge and skill in industries, ability in diplomacy and the art of modern war.

As to the Negro of our own country, whom we cannot consider otherwise than an integral, albeit sorrowful part of our civilization, he has had the benefit of close association and political equality with his white brother since forty years, and has made remarkable intellectual progress as a class. In intelligence he is now quite on a level with the lower grades of the white race, while individual Negroes are, in large numbers, **on a par** with the white man, highly educated and successfully engaged in all lines of business and professional pursuits.

Taking up the Negro question in detail we touch a

subject of disturbing past and present interest, intimately connected with our whole National history. The Negro has been with us a cause of dispute since the days of the Colonies. As the years rolled on, the progress of humanitarian enlightenment and the abuses growing out of his servitude as a **slave**, as personal property, finally demanded his emancipation. This led to the great Civil War of 1861-5 in which the seceding slave-holding States of the South were defeated, and the Negro made free. It was, however, as a side-issue, a political measure of the Republican party, **now acknowledged to have been a mistake**, if not a crime, that the Negro was not only freed, but also given the **franchise**, made politically an equal with the white man.

Out of this unsound step, which was absolutely unwarranted in justice, logic or common sense, and was enacted in the flush of victory and sentimental exaltation, have flown all the troubles of the Negro, personally and as a class, and of the Southern States that are affected by what we know as the "Negro Question." His political equality, ever an impossibility, has been not much more than a farce; his social equality has not even been seriously attempted; it is against human traits and inborn aversions which have been touched upon in previous articles, and which neither laws nor abstract convictions can compel or conquer.

The North has always occupied a wholly theoretical and self-flattering sentimental position on this issue. It was very **grand** and humanitarian to insist on Negro suffrage and equality by those not injured or annoyed by their results, and to look coldly and contemptuously upon the struggle, in the Southern States, with the

difficulties and impossibilities of the problem. Means have since been found in the South to minimize the Negro vote by property and educational tests. All these enactments, however, are in opposition to the plain intention of the XIV. and XV. Amendments of the Constitution; they are, moreover, a **discrimination** aimed at a **particular section of the people** who have, by law, been declared to be free and equal citizens.

Here we arrive at a strange conundrum. The law in question is a Federal law; how is it its operation can be defeated? The answer is contained in what has been explained in a previous article: The States, in matters of the franchise, are supreme; it emanates from them; and this fundamental position is not upset by the Amendments quoted. This whole situation brings the law, by its non-observance, into contempt. While the unreasonableness and impractical character of these amendments have been thus demonstrated, their repeal is an impossibility, from the nature of the case. But while their repeal is impossible, their **modification and correction** by a general law of higher electoral qualifications applicable equally to all, white or colored, native or alien, male or female, is not impossible.

This law would eliminate the chief difficulties of the Negro problem, incompetence on the one side and illegal discrimination on the other, **with one stroke and forever.** Truly, it would operate against the native negro proportionately **more** than against the white native, for a limited time at least, because of his greater illiteracy, but would **not do so** in comparison with most other colored races, and with many white immigrants from Russia, Hungary, Turkey, Austria, etc. Over

all of these the negro possesses, in addition, the advantage of being a native, in regard to the other terms of admission to citizenship. This law would prove a powerful stimulus to the negro to strive for education and progress; it would be the most practical lever for his advancement that can be devised.

All sting or animosity, partiality, injustice or offensive insinuation of inferiority would be absent in the operation of this law because of its general application to all, white or colored. It would immediately establish the full political equality of all those negroes possessing the new electoral qualifications on an indisputable footing, and raise their prestige and influence for good among their own people. With this reform effected, the social slide of the negro question would be greatly simplified because of the removal of unwarranted pretensions and the definite settlement of his political status on a basis which the whole South could accept and loyally enforce. In other respects the social side would settle itself on lines of human nature traits and affinities, aided by the gradual physical and moral improvement of the Negro race, which is bound to come.

In regard to other colored races and also to those peoples of the white race to whom objection is, at times, raised on the grounds of physical peculiarities, personal habits, religious and moral standards, it is plain that we can not, in principle, deny citizenship to them if we accord it to the negro. They are not any more peculiar or objectionable from any point of view, but we are less familiar with them, less accustomed to their characteristics; and this is further accentuated, in regard to many, by the difference in language. But

if we are, or purpose to be, on the above grounds or any other, **opposed** to the further continuance of the **amalgamation of races** now going on in our country, on apprehensions of physical, intellectual or moral deterioration **to our people as now constituted,** or of destructive political consequences possible therefrom, we must face the issue squarely, declare our position frankly, treat them all alike, **admit** to or **exclude** them all from citizenship on equal terms.

The writer believes that, while the many objectionable features connected with the amalgamation have produced a strong popular sentiment against it, it is a sentiment for greater **restriction**, rather, than for entire exclusion. The latter idea is felt to be too radically opposed to our political declarations and also, to quite an appreciable extent, against our economic interests. Having the negro with us, having admitted the foreigner of all races with few restrictions so far, we can not now begin to **wholly** exclude him.

But **a halt** is now emphatically demanded, by sentiment and prudence as well, in this inward rush of aliens, to give the Nation the opportunity to properly amalgamate and Americanize the racial material now on hand. We must enact **broad restrictive measures** of admission, with equal terms to all races and peoples, in order to disarm criticism and ill-feeling. It would, indeed, be a difficult task to make a just discrimination of relative advantage or injury to us of the different peoples that daily come into our country; and from the international point of view it might be fraught with dangers to our peace and well-being.

First, we must **absolutely exclude** all dangerous criminals, political conspirators, anarchists and other

enemies of social order, all cripples, the insane and the idiotic; all confirmed consumptives and those afflicted with any other permanent contagious or infectious disease; all paupers and others who, from any cause whatever, could become **public charges** to us. The present National and State immigration laws require to be strengthened wherever necessary to realize this program. **Second,** we must enact **new and special** restrictions to reduce the **volume** of immigration and improve its social and economic **quality** by instituting an **educational test** and a head-tax or **"capitation"** of admission. The educational test should cover, at least, the elementary subjects, reading, writing and simple arithmetic from all those countries which have a public school system in force. From all others there should be exacted some effective test of ordinary **intelligence,** and the practical knowledge of some regular trade or occupation.

The **capitation** tax for all **male** persons from fifteen years to thirty years of completed age might be $20, and above that age $25; for **females** the tax to be $15 and $20 respectively. Persons under fifteen years of age should be entirely exempt, so as not to discriminate unjustly against families arriving with children of minor age. This tax is suggested to be an **absolute forfeit** to the State of entry and the United States Government, to be apportioned between them in some definite relation; the tax to be collectable at every **separate entry** of any such alien person. The effect of such a head-tax, while not prohibitive of admission in principle, would work to the entire exclusion of many wholly **undesirable persons**; and in its general results would tend to **reduce immigration** to more

acceptable proportions, and to raise its physical and social calibre.

On the question of **Woman Suffrage** the Author has, in a previous argument, deduced its inherent right and justice from **general** and **incontrovertible** principles. This subject has been so generally debated in the United States, and so much progress has been made in its favorable consideration by the people, that much argument is scarcely needed in its support. That women in all ranks of life are, on the average, as intelligent, sensible and patriotic as men in the same ranks cannot be disputed; that they are morally better, more abhorrent of vice, crime, violence, disorder, dishonesty and intemperance; that they are more religious, more sympathetic towards the suffering and the unfortunate than men, not individually but as a class, is equally indisputable. Why, then, should they not vote, what are the objections urged?

It is maintained that women, also not individually but as a class, have less **general interest** than men in public affairs, due to their domestic position which limits their horizon and opportunities; that, hence, their information on these subjects will be fitful and fragmentary, making their comprehension of difficult economic and foreign-policy questions doubtful; that they are too **sentimental** and **emotional** in their natures for practical politics, liable to be easily influenced by others and guided by **irrelevant motives.** It is urged, further, that the element of **sex** would introduce a dangerous and corrupting factor into politics; that women should for **other** reasons not be exposed to the rough-

and-tumble practices of electioneering, and the debasing associations of low-grade politicians; and, lastly, that they should, and now have **ample opportunity** to exercise their opinions and influence through their husbands and brothers.

The answer to all these points is that many of them are both true and well-meant, implying no disparagement or disrespect to women, but that on the whole they are not strong enough to nullify a **natural right**; that others are based on unbounded fears and temperamental prejudices; that some are a **damaging arraignment** of men and their ways in politics. Many of these arguments will fall to the ground from the fact that women will not be **compelled** to vote, any more than men are. Those who feel that politics do not interest them, or who feel that they cannot grasp the subjects for want of time, information or ability, will not be disturbed in their right to ignore them. Those who shrink, from their natural womanly modesty, to mix actively in politics and go to the voting booth, can continue to exert their opinions, as heretofore, in the quiet precinct of the home, and no one will complain.

Others of the hostile arguments spring from the fact that this right is now in most States a subject of **dispute**, or still a **novelty** where already conceded. In the heat of contention visionary, even insulting and defamatory objections are brought which have no foundation in fact or probability. The Author, further, believes that no influence or practices detrimental to the morals or sexual relationships of society will ensue from allowing women to vote. There is no evidence of such a tendency in those States in which women now vote. The proposition is not only insulting to

both sides of the controversy, but intrinsically absurd, as well.

No argument ever has or can be maintained against the right of women as **free human beings** to vote, in a democratic State based on liberty, and the equality of The People. Women are **producers** and **tax-payers**, directly or indirectly. Many take as deep an interest in public affairs as men and should be accorded, **by law**, the right which is theirs by nature and practical facts, to express their opinions on City, State and National politics. They are not unlikely to make **fewer mistakes** of judgment, and to be more conscientious, honest and independent about the exercise of the vote than men have proven themselves to be.

Whether, in actual practice, a very large proportion of women citizens would avail themselves of the vote is an open question, but this consideration should in nowise be allowed as an argument against the rights and wishes of **those who desire** the vote. The propoganda which the women of keener interest in the matter will make among their more apathetic sisters, will gradually extend the field of active participation in a way wholly normal and satisfactory. There is every reason to believe that the woman-vote will prove a benefit to the best interests of the country, especially in connection with the reforms of the franchise herein proposed.

As to the **qualification** for woman citizenship it should consist of the same general and politico-educational requirements and moral character test proposed for men, and should apply equally to **married** and **single** women. But in regard to **age** of admittance a different rule appears desirable; it should not be less

than **thirty years** for women, as previously stated. The reasons for advocating this special rule are, that their early careers in life are so generally devoted to **social and domestic** pursuits and interests, to courtship, marriage, the absorbing duties of motherhood and the family life in general, that their sympathies will, with rare and negligeable exceptions, remain **indifferent** to the topics of politics and administration. And where the sympathies and the natural interest are lacking, there will be no proper inquiry and formation of judgment, and can be no useful action.

It is undeniably true that there is an essential difference between the male and the female mind. It is not a matter of pure intelligence or reasoning powers, but of the **perceptive point of view** from which life in general is regarded. Women are often more keen and intuitive than men, but also less logical and less certain of their ground. Their practical intelligence arrives often **earlier**, their analytical reasoning power generally **later** than those of men; it is the latter kind that is needed in politics. With young women, especially, a certain degree of ingenuous frivolity and superficiality seems **inseparable** from their characters; it is nature's exaction for purposes of her own, well understood and alike beyond our cavil and control. Thus, by common observation, the mental responsibility of women and their interest in public affairs mature **at a later period** than with men. This is the **only**, but the writer believes a **sufficient** reason for the suggested advance of the age qualification of women over that of men.

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There remain, now, but to establish the terms of "**naturalization,**" or citizenship for all male and female **aliens,** white or colored, now resident in, or hereafter admitted to the United States. In a previous chapter there was pointed out some of the political and social **misconceptions** with which foreigners arriving here are liable to be afflicted, and the easy prey they fall to socialistic agitators. Years of observation of the foreigner's course of development in the United States has clearly established the fact that the present five-year term for becoming naturalized does not afford sufficient time, in the majority of cases, to produce the necessary **metamorphosis** in them to make them fit and acceptable as free citizens of a Republic.

Their first struggle here is, naturally, for **existence.** This engrosses their entire attention for several years before something like settled conditions are reached. It also takes them several years to grow out of the conceptions of government and social order under which they had lived in their native lands. Then, there is the **new language,** which most have to learn, and with which many struggle for years before they succeed in acquiring a working acquaintance with it.

How can these men and women, many in middle life, thus pre-occupied and slowly feeling their way in a country where everything is **strange** to them, in the short space of **five years** obtain any kind of satisfactory understanding of our plan of government and institutions? **It is an impossibility!** Many never attain to any correct ideas about them at all; many never learn to speak the language or to read English. They depend on their own people and newspapers for information, and receive all their knowledge of this country

through indirect and, frequently, **biased** channels. Nevertheless, most of them become citizens as soon as they can comply with the present terms of admission; if not of their **own** volition and interest, then through some one else who **is interested.** They are taken charge of by some kind **mentor**, and become attached to one or the other of the regular political parties. They **vote** as they are **told** to vote, and believe they are doing their political duty fully; they are the victims and innocent culprits of an **abominable system.** It is sad to say, however, that in their way of voting and being citizens these foreigners do not differ so very much from many of our native American voters. The Author has witnessed scenes and acts of corruption and fraud in this connection, from the large city to the smallest hamlets, to bring tears of rage and shame to the eyes of an honest man.

Undoubtedly, then, it takes the foreigner many more than **five years** to grow into our ways and civilization, to seize the genius of our institutions, to form independent ideas of his own about our government, and some settled opinions on political needs. In the opinion of many it would not be too much to demand a **ten years'** residence in the country as a **primary** qualification for citizenship from all aliens, male and female, and a continuous residence of **two years** thereof in the State in which application is made, and of **six months** in the election district of the voter. In addition, all the **general tests** as to age, education, political information and moral character, which are demanded as necessary from the **native** voter, must likewise apply to the alien candidate for the franchise.

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The idea of a Property Test, such as formerly existed in many States as a guaranty of character and education, may now be entirely dismissed as one not any more desirable or effective in its original purposes. It has been superceded by **education. That** is the key-note of to-day, EDUCATION, the great enlightener, strengthener, purifier of mankind before whom not only ignorance and stupidity, but all narrowness of views, selfishness of impulse, vice and crime, and also poverty, **must ultimately vanish.** In education, therefore, lies our salvation! From the quickened intelligence and ethical elevation which spring from it, and the specific instruction it furnishes, must come our political regeneration through the reformed franchise.

As all administration must, necessarily, be conducted through individual officials, political organizations and great National parties, our first and deepest concern must be the elevation of the **character and capacity** of these men, our agents and servants. This can only be accomplished by a more informed and independent, by a better-educated electorate which would refuse to be the **blind tool** of sordid ward and district politics; of "organizations," leaders and "Bosses" of questionable objects and coarse methods.

These professional agencies of political action have, unfortunately, become a necessity and cannot be eliminated; they are the result of the very conditions of the electorate which have been described. They have, to a large extent, absorbed **the initiative as well as the direct responsibility** of the individual voter; it is through them that the inert and unorganized mass of the electorate becomes **active.** And, since these cor-

rupt political "machines" rest directly on the ignorance and indifference of the voters, it is naturally to their interest to maintain that condition.

The point of almost **greatest** importance in this entire subject lies in its relation to the **socialistic labor** propaganda which has been previously described, and which is rapidly ensnaring large sections of the working population of the country. It is drawing them **away** from the principles of our government and setting up beore them visions of a new social and political order. Here is a situation of the gravest public danger to which we cannot shut our eyes; we must face the fact and grapple with the problems it sets before us. **How else** can we combat these tendencies but by general and political **education** of the individual man; **how else** can we repress the growing political influence of this party but by **restricting the vote** through insisting on a higher standard for it?

We must by **information** appeal to the intelligence of the affected sections of the people to convince them of the **error and cupidity** of much of these teachings; we must meet them half-way on their own ground in all directions in which their views and demands are justified and practical of execution. To deny, denounce and repulse is to fan the flames of disaffection.

Men must become convinced by **argument** and better **information** that real progress can only be accomplished on the hand of **order**; that private rights in general and particularly **those of property** are as sacred and inviolable as public rights; that wages are an economic question that cannot be settled **arbitrarily.** Furthermore, that existing institutions are always the best avenue of advancing to new positions by way

of their judicious reform, rather than by annihilation and replacement with untried and problematical schemes; that to tear down is easy, to reconstruct and do better very difficult. We must impress them that human sympathy is with them, that Society as a whole is not antagonistic to the working man; that our democratic institutions, while showing many imperfections, are sound in their general doctrine and framework, and capable of improvement by practical and resonable changes. They must, in short, be won back to the loyal support of the republic. They must be asked to join in the work of reformation and preservation by lending their open support to the proposals for a restricted franchise, and to the other reforms outlined in this book.

Even socialists who are serious and honest, and that is the majority of them, cannot object to exclusion from the franchise of those who are too ignorant and disreputable to be worthy of it. The true appeal of Socialism is to intelligence and reasoning powers, and these must be accompanied by accurate information to become a valuable and safe public force. This political training will be put within the easy reach of all by the proposed free schools of instruction of the voters, and, such of them that would be unwilling or incapable of making the small effort involved in this, would be debarred thereby from citizenship by every rule of justice, self-protection and common sense.

The dissemination of the ideas expounded in Chapter B of this book on liberty, equality, self-government, property, social divisions, and the elementary principles of all government and of this Republic, would do much to discountenance unsound theories by

their insistence on the fundamental truths of life, human nature and orderly development.

D.—SUMMARY OF THE REFORM PROGRAM.

The reforms advocated in the preceding pages, and also those deprecated are herewith presented in a compact summary for ready survey as a complete political program.

Constitutional reform of a comprehensive character must come. It will doubtless take a few years of agitation to create a sound public opinion on these questions, but this is no subject for precipitate action. Free and full discussion will bring out the facts, formulate convictions and crystalize them in due time for political action. The two great parties, who now seem to be parties more of disguise than of real contention, will find material here for new and distinct alignment.

The recommendations are:

I.—Reform Advocated:

A.—THE PRESIDENTIAL AND VICE-PRESIDENTIAL TERM:—That the term of office of the President and vice-President be changed by amendment of the Federal Constitution to a PERIOD of SIX YEARS, without direct succession, but not excluding the right of re-election at any other time.

B.—PRESIDENTIAL PENSION:—That every President of the United States, honorably retired from his office shall, at his option, be entitled to receive from the Government an annual pension of TEN THOUSAND

DOLLARS; the Congress to pass the necessary law to carry this proposal into effect.

C.—AGE-QUALIFICATION:—That the age-qualification of the President and vice-President be raised from 35 to 45 years by Constitutional Amendment.

D.—AGE-QUALIFICATION OF MALE VOTERS:—That the age of qualification for the franchise of native male citizens, irrespective of race or color, shall hereafter be TWENTY-FOUR YEARS, and the Legislatures of the several States shall enact the required Constitutional Amendment and statutory laws to carry this proposal into harmonious effect.

E.—EDUCATIONAL AND CHARACTER-TESTS OF VOTERS:—That an educational and character-test be hereafter exacted from all native male voters, irrespective of race or color, for the exercise of the franchise, to wit:

1. A GENERAL EDUCATIONAL TEST equal to the completed grammar school grade of the public school system of the several States.

2. A POLITICAL INFORMATION TEST consisting of a good, practical knowledge of our governmental institutions and administrations, to be determined in detail by proper authority to be appointed for the purpose; and free facilities for its acquirement, by the people to be provided in connection with the public school system.

3. A MORAL CHARACTER TEST consisting of a good record for law-abiding conduct and peaceable disposition, attested by reliable witnesses in the home-district of the voter, testimony of employers, or any other credible exhibits.

4. That the Legislatures of the several States shall

enact the required Constitutional Amendments and statutory laws to carry this proposal into harmonious effect.

F.—WOMAN SUFFRAGE:—1. That the full and equal right of women, irrespective of race or color and whether married or single, to vote in all elections open to men be declared and enacted by amendments to the State Constitutions, and by any supplementary statute laws required to carry this proposal into harmonious effect.

2. That the age of qualification for the Franchise, of native female citizens, shall be THIRTY YEARS.

3. That the same tests for education, political information and moral character which are prescribed for male voters shall apply likewise to female voters.

G.—ADMISSION OF IMMIGRANTS:—1. That the National and State Immigration Laws be strengthened in all respects where required to effect the ABSOLUTE EXCLUSION of all persons justly UNDESIRABLE for admittance to our country on political, moral, physical and sanitary grounds, and all those who from any cause may become public charges to us.

2. That all who are adjudged fit for admission shall pass an educational test, equal to a common school education, from all countries having a free public school system in force; and from others there shall be enacted some practical test of sound ordinary intelligence and the knowledge of a regular trade or occupation; failing which the applicants shall be POSITIVELY EXCLUDED, but shall have the right to renew their application after an interval of three years.

3. That all those who have passed the described educational test shall be admitted to this country on

payment of a capitation tax of TWENTY DOLLARS for all MALE persons of fifteen years to thirty years of completed age, and of TWENTY-FIVE DOLLARS above that age; and of FIFTEEN DOLLARS for all FEMALE persons of fifteen to thirty years of completed age, and of TWENTY DOLLARS above that age; persons under fifteen years to be entirely exempt.

4. That the above capitation taxes of admission shall be collectable at EVERY SEPARATE ENTRY INTO this country of any such alien person who has not previously become a citizen.

5. That the moneys due under the above regulations shall be an absolute forfeit, and payable to the properly constituted immigration authorities of the State of entry, and of the United States, to be apportioned between them as shall be determined by law.

6. That the Congress and the several State Legislatures enact the necessary Constitutional Amendments and supplementary statutory laws required to carry these proposals into harmonious effect.

H.—ALIEN CITIZENSHIP:—1. That from all alien applicants for naturalization and right of the Franchise, irrespective of age, color or sex, there shall hereafter be exacted as a primary condition for full citizenship, a residence in the United States of TEN YEARS, and a continuous residence of TWO YEARS thereof in the State in which application is made, and of six MONTHS thereof in the election district of the applicant.

2. That the tests of general education, political information, moral character and age, which apply to all native candidates for the Franchise shall in like manner apply to all aliens.

3. That the Congress and the several State Legisla-

tures enact the necessary Constitutional Amendments and supplementary statutory laws required to carry these proposals into harmonious effect.

I.—CIVIL SERVICE EXTENSION:—1. That the Civil Service system of qualification, appointment and promotion of the Government, be extended to all offices not now under its operation and which are part of the permanent routine administration of the country.

2. That the higher appointive positions not now under any or full Civil Service rules and which, by established custom, run parallel with the life of an administration, shall hereafter be put under full rules as to age and qualifications, and be made for the definite term of TWELVE YEARS, with privilege of re-appointment; and the Congress shall pass necessary laws to carry this proposal into effect.

J.—GOVERNORS OF STATES:—1. That the term of office of Governors of States shall hereafter be for a duration of SIX YEARS, without re-eligibility in direct succession, but not excluding the right of re-election at any other time; and The People of the several States shall take early, united and uniform action on this proposal by the necessary amendment to their State Constitution.

2. That the age-qualification of Governors of States be raised at least FIVE YEARS over the present requirement, or uniformly to the age of FORTY YEARS.

K.—STATE SENATORS AND ASSEMBLYMEN:—1. That the terms of office of State Senators shall hereafter be for a duration of SIX YEARS and of Assemblymen for TWO YEARS, in all States where they now differ from this rule; and The People of the several States concerned shall take early, united and

uniform action on this proposal by the necessary amendment of their State Constitutions.

2. That the age-qualification of State Senators and Assemblymen be raised at least five years over the present requirements, or uniformly to the age of thirty-five years and thirty years, respectively.

L.—AGE-QUALIFICATION OF U. S. SENATORS AND REPRESENTATIVES:—That the age-qualification of U. S. Senators be raised from thirty years to thirty-five years, and that of U. S. Representatives from 25 years to 30 years.

M.—GENERAL RULE FOR AGE AND TERMS OF SERVICE OF ALL OFFICIALS:—That in addition to the preceding specific proposals as to age-qualification and tenure of office, the same principle of increase of both shall be applied as a general rule to all the other important public offices in National, State and City government.

N.—STATE JUDICIARY:—That the Justices of the Supreme Court system and its Appellate Divisions of the several States shall hereafter be appointed ON GOOD BEHAVIOR, with stated age and pension of retirement, and the Judges of Inferior Courts for periods of TWELVE YEARS, with privilege of re-appointment; these appointments to be made by the Governors of the States with the concurrence of the State Senates; and The People of the several States shall take early, united and uniform action on these proposals by the necessary amendment of their State Constitutions.

II.—Reforms Deprecated:

O.—THE UNITED STATES SENATORSHIP:—That the present system of election and apportioning

of U. S. Senators, having proven wise and conservative to the best interests of the Republic, and in conformity, as to effect, with the Constitutional intent of their position in the legislative plan of the Government, all agitation of changes of this system BE DEPRECATED as injurious to our political fabric, unsettling to the just balance of powers, and inimical to the public welfare.

P.—THE UNITED STATES SUPREME COURT. —That in recognition of the dominant position of this Court in our Republic as the interpreter of the Constitution and the mainstay of the Law, all agitation for its modification or abolition, and all disrespectful criticism of its decisions, BE DEPRECATED and severely CENSURED by the loyal sentiment of The People as being directed against the bulwark of our political institutions, and destructive of all our common interests.

E.—POLEMICAL.

THE PRESIDENTIAL CAMPAIGN OF 1908.— "SHALL THE PEOPLE RULE?"

It lies too near to present interests for the Author to omit pointing out the relation between his reform program and the Platforms, written and implied, of the leading political parties for the coming National Campaign. The Author is not a partisan in the strict sense of the word; nor is this Concluding Chapter intended as an interested party-argument in relation to the present campaign. The **pros** and **cons** of the questions of the hour will be fully discussed by their

respective adherents, and none need go without the necessary information to form their judgment. What is desirable to be investigated is the general tendency, the "formative trend" of the two **leading political parties** at the present time, as revealed by their Platforms, and what is the position they may be expected to assume towards the Constitutional reforms submitted in this book.

The secondary political parties (numerically), who have issued Platforms and named candidates, i. e., the Independence Party, People's Party, Socialist and Socialist Labor Parties and the Temperance Party are all political organizations entitled to the higher consideration and respect, on general principles. But they are numerically too small as independent political factors to hope, with any reason, to achieve the success of their tickets; they are important more for the ideas they represent and for the way in which they will affect the relative strength of the Democratic and Republican Parties.

In examing the Platforms of the two latter we are **at first glance** struck by their identity of general declarations. They differ more in degree and manner of application than in fundamental aims; there are but few really distinct issues between them. And yet, this difference in the manner and degree of doing the same or a very similar thing is very vital; it discloses the point of view and the spirit which animates the thought, it announces the **political trend** for the future. The difference in this spirit and trend is measured chiefly by the attitude of the two parties towards Labor and Socialism.

The Republican Party still shows itself the party

of conservatism joined to progress on cautious lines, of a steady but circumspect advance on the tried and successful principles of the past. All the efforts of Labor leaders and Socialists at the Chicago convention did not succeed to bring out a **very strong** declaration on the Labor measures demanded, or on the modification of the Injunction Practice, or on guaranty of Bank deposits, Income Tax and other so-called "Peoples' Measures." On the other hand, at the Democratic Convention these policies were **very liberally endorsed** and incorporated in the Party-Platform. On other matters also, particularly on the reduction of the tariff on imports, the regulation of trusts, and economy in government expenditures the Democratic Declarations are fairly precise and positive while those of the Republicans are more tentative and undefined.

This does not say that the Republican Party would not enact wise and effective measures in these directions, but it does say that they will not commit themselves too specifically in their Platform as to "just what and how" they would do. It shows the sense of caution, of responsibility, the **Conservative instinct** inherent in a good proportion of mankind. Here is the real, the positive dividing line between the two parties; for, the Democrats have steadily progressed, since 1896, towards the advanced ideas of Populists, Labor leaders and Socialists. Every platform since that time has been more "liberal" than the preceding one; they can, logically, only advance, not recede on this course: **They must soon cross the Rubicon.** In this steady progress towards **"Radicalism"** the Democrats have been ingeniously assisted by the Republican Party, which has "cut the feet" from under much of the

original Democratic policies by adopting a moderate form of several of them. And the Democrats themselves have, with rather less conscious ingenuity, greatly weakened their most vital issue of "States Rights" by advocating, even more strenuously than the Republicans, the Federal regulation of railroads and trusts, and other policies inevitably "centralizing" in their tendency.

The Labor movement, generally and politically, has grown by leaps and bounds since 1896, likewise the Populists' or Peoples' Party in the Southwestern States, likewise all the factions of the straight Socialists' Party and of the Socialist Labor Party. As to the latest one of all, the Independence Party of this campaign, it represents in its general principles the ideas and "popular" aims of the ones just named. It is the growth of these outspokenly radical parties, all of which take votes away from the Democrats especially, joined to the other weakening factors, that has drawn that party **towards them** and will now irresistibly compel them **to be drawn to it**, by a species of political gravitation. It is an inevitable process dictated by a conjunction of principles and aims, the natural self-interest for success and power and the attendant benefits of office. United they may win the double prize, divided scarcely.

This, then, in the Author's opinion, is the new political alignment coming in the very near future: The Republican Party will draw all the conservative elements of society to its side and form, or be, the **National Conservative Party**, constructively progressive, but aiming rather at the perfecting of the details of Constitutional practice than the abandon-

ment of its spirit, recognizing the pressure of new conditions of life and work, but willing to go only slowly towards the adoption of State socialistic doctrines; the Democratic Party, enlarged by the accession of all the radical and socialistic elements of society, will become transformed into the great new **"People's Party,"** and proceed to the realization of a systematic program of paternally-fostering and protective measures of government. These must lead to general collectivism, State and Fedaral ownership of railroads, changes in Court authority, the reduction of States Rights and the general departure of the Republic from the plan contemplated by the Constitution.

The course here predicted for the Democratic Party will be the same whether they shall **win or lose** in the coming Presidential election. If they succeed, it will be a powerful inducement for the smaller opposiion parties to join the victor for immediate and future advantages; if they lose it will be a like strong incentive for all these related elements to "get together" for the next onslaught, to make **sure of victory** then.

We may now approach the question as to what is likely to be the attitude of these two great future political parties towards the Author's Program of Reform and Development for the Republic. The answer is simple. The most trenchant parts of the recommendations are four: I. The changes in the Franchise, including immigration rules and alien citizenship; II. the maintenance of the present electoral character of the U. S. Senator; III. the change of the elective character of the State Judiciary to appointive, with increase of office tenure; and IV. the maintenance of the present status and inviolability of the U. S.

Supreme Court. As to other counts, i. e., the various proposals on tenure of office, re-eligibility, age-standard of officials and Civil Service extension, the feeling of both parties, **at present**, does not differ much.

Against the above four fundamental propositions the Democratic Party is even now committed by its self-interest and record, and will be so more completely in its future character. The proposed new qualifications for voters would probably affect 20 per cent. of the present electorate, or in round numbers close to 3,000,000 voters. Of these about one-half would be only temporarily affected for such a length of time as those concerned would need to reach the qualifications demanded. The other half, or about 1,500,000 voters would be permanently cut off as being unable from one reason or another, to reach the new standard.

It is plain from the inherent character of the two parties that, both in regard to the transient and the permanent effect, the Democratic Party would be by far the heaviest loser in the operation, even allowing for a proportionately larger effect of negro exclusion upon the Republican Party. Thus, both from principle, as priding itself *per se* of being the friend of the masses, of the poor man compared with the rich, the working man with the capitalist, as from self-protection against a substantial loss of voters the Democratic Party could not be expected to favor the proposed franchise changes. It will stamp them, more likely, as an attempt upon the Peoples' Rights.

Concerning the U. S. Senatorship and the U. S. Supreme Court this party is on record since 1896 for the popular election of Senators, and for extensive modification of the status and powers of the Supreme

Court. And in regard to changing the character of the State Judiciary, the tentative proposals made so far on this subject have never met with a responsive echo from the Democratic side of the people. Every suggestion involving a restriction of the Franchise is treated by this party as a violation of the inalienable rights of citizens. That the whole character and practice of the Franchise has completely changed, deteriorated and departed from its original conception has not yet occurred to them.

When we weigh the import of the above historical statement in connection with the general record of the Democratic Party, since 1896, in its tseady drifting towards radicalism, towards a radical coalition-party, we find it but natural that this transformation should be accompanied by a steady process of internal disintegration, of elimination of its **conservative elements.** This is an undisputable fact, the process is going on now in spite of the apparent enthusiasm and unity of purpose at the Denver Convention and in this campaign, so far. The exact sentiments of the voters and the internal condition of a party are not always reflected by such apparently favorable outward signs.

Let us look at the cold facts. We know **beyond a** doubt that in 1896 a large section of conservative and level-headed business-men withdrew from the Democratic Party because of its ludicrous free-silver policy. Others withdrew because of the declarations on the U. S. Supreme Court; others because of the generally populistic program of that platform. Few of these have found their way back to the fold, while others have left since for reasons of the generally vacillating and unsound conduct of the party and its leaders. The

drift is **too plain to be ignored or mistaken.** The conservative Democratic elements, long held to allegiance by feelings of tradition rather than of conviction, and grievously disappointed by the party's new tendencies and associations, are finding their way into the Republican ranks. This process of **affinitive association**, politically, will become more acute from year to year until the complete transformation and re-alignment, as previously sketched, is accomplisbhed.

In the present Democratic Platform all these tendencies are unconsciously revealed by the summing up of the party's bid for power in the ringing phrase: "Shall the People Rule?" It is a happily chosen campaign slogan to fortify the party's followers and to win outside votes. But, as used it conveys the insinuation that The People do not now rule, that they **are being ruled**, or are imminently threatened with that condition. This political maneuvre is both false in fact and wrong in ethics. The People rule now and **always shall rule** in this Republic; they shall fully rule under the Author's reform program. The question of absorbing concern is not the unnecessary one "Shall The People Rule-" but the needful, vital one **"Who are The People?"** or, better still, **"Who were The People that shall rule originally meant to be?"**

Should the People who are to gevern this country not be, in theory and in fact, the body of intelligent, properly informed, law-abiding and patriotic citizens, **unencumbered by the incapable, ignorant, indifferent and vicious elements of society, the raw foreigner, the half-civilized native?** Instead of these should this body of citizens worthy of the Franchise not rather include the flower of our well-educated and bright

womanhood? This momentous question of the creation of a **Competent and Responsible People,** politically, is propounded and answered in detail in this book, and is the foremost one on which the two future political parties must make issue, on which they will radically divide.

Turning, now, to the **"REPUBLICAN PARTY"** we feel instinctively that it is the one destined to take up the Author's reform program; it is the party committed to a conservative, orderly and scientific development of the Republic. It must, therefore, in due time, welcome the proposals for restricting, purifying and elevating the Franchise as the one measure **above all others** to raise up the country to a new epoch of sound political progress. All the other recommendations of the Author fall in naturally with the conservatively progressive aims and character of this party. On the questions of the U. S. Senatorship and U. S. Supreme Court the Republican Party is pledged to their preservation on the plan of the Constitution; on the subject of the State Judiciary it has shown a favorable attitude.

Furthermore, it is the Author's opinion that this party in its new National garb and mission will, after the successful enactment of the measures advocated in this Campaign, proceed not alone to purify the electorate, raise the tenure of office, expunge re-eligibility, strengthen the Civil Service and re-establish the prestige of the Courts, but will also be the one to enact necessary measures of a **practical and desirable socialistic character** for the improvement of the position of the hard-working and less fortunately situated brotherman, on the general ideas evolved in this book, and **in safety** to the continued existence and progress of our institutions.

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